



LEGISLATIVE ASSEMBLY
OF ONTARIO

BILLS

AS INTRODUCED IN THE HOUSE

TOGETHER WITH

REPRINTS AND THIRD READINGS

SESSION

FEBRUARY 19th TO APRIL 9th

1941

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No. 1

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act respecting the City of Ottawa.

MR. DUNCAN

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 1

1941

BILL

An Act respecting the City of Ottawa.

Preamble.

WHEREAS the Corporation of the City of Ottawa has by its petition represented that under the provisions of section 343 of *The Municipal Act*, Revised Statutes of Ontario, 1927, chapter 233, the council of the said Corporation passed by-law number 7036 on the 5th day of January, 1931, for expropriating certain lands for the purpose of widening Gladstone Avenue between Elgin Street and Bank Street, under the terms of which the said Corporation was not to enter upon the said lands until the expiration of seven years from the date thereof; that the Ontario Municipal Board by an order dated the 8th day of July, 1937, extended the time for entry upon the said lands and premises until the 5th day of January, 1941; that it is inexpedient to enter upon the said lands until the expiration of six months after the termination of the present war between Canada and Germany; and whereas the said Corporation has by its petition prayed for special legislation to effect such extension; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Time for
entry under
by-law 7036
extended.

1. Notwithstanding the provisions of by-law number 7036 passed by the council of the Corporation of the City of Ottawa on the 5th day of January, 1931, and notwithstanding the order of the Ontario Municipal Board dated the 8th day of July, 1937, the time for entry by the Corporation of the City of Ottawa on the lands expropriated under the said by-law number 7036 shall be deferred until the expiration of six months after the issue of a Proclamation by the Governor-General of Canada declaring that a state of war with the German Reich no longer exists.

Short title.

2. This Act may be cited as *The City of Ottawa Act, 1941*.

BILL

An Act respecting the City of Ottawa.

1st Reading

2nd Reading

3rd Reading

MR. DUNCAN

(*Private Bill*)

No. 1

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941,

BILL

An Act respecting the City of Ottawa.

MR. DUNBAR

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2. This Act may be cited as *The City of Ottawa Act, 1941*.

BILL

An Act respecting the City of Ottawa.

1st Reading

February 25th, 1941

2nd Reading

March 10th, 1941

3rd Reading

March 13th, 1941

MR. DUNBAR

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to incorporate the Society of Industrial and Cost Accountants
of Ontario.

MR. NEWLANDS

(PRIVATE BILL)

No. 2

1941

BILL

An Act to incorporate the Society of Industrial and Cost Accountants of Ontario.

Preamble.

WHEREAS Harold Percy Wright of the City of Hamilton, Accountant, George Appleton of the City of Toronto, Comptroller, and Richard Dawson of the City of Hamilton, Secretary, have by their petition represented that they are desirous of being incorporated under the name "Society of Industrial and Cost Accountants of Ontario" for the purpose of increasing the knowledge, skill and proficiency of its members in all things relating to industrial and cost accounting, business organization and administration and generally for the carrying out of the objects of the Society; and whereas the said petitioners have prayed that an Act may be passed for such purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Incorporation.

1. Harold Percy Wright of the City of Hamilton, Accountant, George Appleton of the City of Toronto, Comptroller, and Richard Dawson of the City of Hamilton, Secretary, and such other persons as may hereafter become members of the Society are hereby constituted a body corporate and politic under the name "Society of Industrial and Cost Accountants of Ontario", herein called "the Society".

Objects.

2. The general objects of the Society shall be to promote and increase the knowledge, skill and proficiency of its members in all things relating to industrial and cost accounting, business organization and administration.

Membership.

3.—(1) Membership in the Society shall be open to any person 16 years of age or over engaged in or interested in industrial and cost accounting, business organization and administration.

Classes of Members. (2) The Society shall have three classes of members, namely, registered members, general members and student members.

Record. 4.—(1) A record, which shall be open for inspection by the public at all reasonable times, shall be kept containing the names of all members of the Society in good standing.

Idem. (2) Only those members whose names appear in such record shall be entitled to the privileges of membership in the Society.

Benevolent fund. 5. The Society may establish and administer a benevolent fund for any member or the family of any deceased member of the Society who may require financial assistance, and for that purpose may make or receive contributions.

Real property. 6. The Society may purchase, sell, mortgage, lease or otherwise deal with such real property as is actually required for its purposes.

Council. 7.—(1) The affairs and business of the Society shall be controlled, managed and regulated by a Council, which shall consist of at least ten registered members, five of whom shall constitute a quorum, and who shall hold office for a term of one year and until their successors are elected.

Idem. (2) Any member of the Council may be re-elected.

(3) When a vacancy occurs in the Council from any cause, the Council shall appoint any registered member of the Society to fill the vacancy until the next annual meeting of the Society.

Annual meeting. 8.—(1) A general meeting of the Society shall be held annually for the purpose of electing the Council and for such other business as may be brought before the meeting.

Idem. (2) A general meeting shall be held at such time and place, upon such notice and otherwise as is provided in the by-laws of the Society.

Officers. 9. The Council shall elect from its members a president, a first and a second vice-president, a secretary, and a treasurer or a secretary-treasurer, and may appoint a registrar and such other officers and employees as may be provided for in the by-laws of the Society.

By-laws. 10.—(1) The Council may pass by-laws which shall not come into force until approved at an annual general meeting

of the Society or at a special general meeting thereof called for the purpose of considering same,—

- (a) to prescribe a curriculum and the course of studies to be pursued by members of the Society in industrial and cost accounting, business organization and administration and the subjects upon which candidates for admission to registered membership shall be examined, and for granting certificates to registered members;
- (b) to establish lectures and classes for members of the Society in industrial and cost accounting, business organization and administration;
- (c) authorizing an agreement between the Society and any university, college or school for such lectures or classes as may come within the course of subjects prescribed by the by-laws of the Society;
- (d) to regulate the conduct of the members of the Society including the suspension or expulsion of any member for misconduct or violation of the by-laws of the Society;
- (e) providing for the payment of a salary or other remuneration to the secretary, the treasurer or the secretary-treasurer, the registrar and any other officer or employee of the Society and fixing the duties of each of them;
- (f) fixing the examination fees to be paid by members and candidates for admission to membership in the Society, and the annual fees to be paid by members;
- (g) to establish chapters of the Society within Ontario;
- (h) to affiliate any other body, corporate or unincorporate, having objects similar to those of the Society;
- (i) governing the election of members to the Council;
- (j) fixing of procedure to be adopted at meetings; and
- (k) generally for the carrying out of the purposes of this Act.

Annulment
of by-law.

(2) Any by-law of the Society may be annulled by the Lieutenant-Governor in Council.

Designation. **11.**—(1) Every registered member of the Society shall have the right to use the designation “Registered Industrial and Cost Accountant” and may use after his name the initials “R. I. A.”, indicating that he is a registered industrial and cost accountant.

Offence. (2) Every person taking or using the designation “Registered Industrial and Cost Accountant” or the initials “R. I. A.” or any name, title or description implying that he is a registered member of the Society, unless authorized so to do, shall be guilty of an offence and shall upon conviction incur a penalty not exceeding \$25 for each offence.

Penalty, how recoverable. (3) The penalty imposed under subsection 2 may be recovered under *The Summary Convictions Act* and shall be paid over forthwith by the magistrate to the Society.
Rev. Stat., c. 136.

Right to practise unaffected. **12.** This Act shall not affect or interfere with the right of any person from carrying on business in Ontario as a cost accountant, or industrial accountant, or professional accountant, and from designating himself as such.

Surplus. **13.** Any surplus derived from carrying on the affairs and business of the Society shall be devoted and applied solely in promoting and carrying out its objects and purposes and shall not be divided among its members.

Provisional Council. **14.** The said Harold Percy Wright, George Appleton and Richard Dawson are hereby constituted a Provisional Council with power to call the first annual general meeting of the Society at such time and place, upon such notice and otherwise as to them appears advisable, having regard to the interests of the Society; provided that such meeting shall be called within three months after the day upon which this Act comes into force.

Short title. **15.** This Act may be cited as *The Society of Industrial and Cost Accountants of Ontario Act, 1941*.

BILL

An Act to incorporate the Society of Industrial and Cost Accountants of Ontario.

1st Reading

2nd Reading

3rd Reading

MR. NEWLANDS

(Private Bill)

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to incorporate the Society of Industrial and Cost Accountants
of Ontario.

MR. NEWLANDS

BILL

An Act to incorporate the Society of Industrial and Cost Accountants of Ontario.

Preamble.

WHEREAS Harold Percy Wright of the City of Hamilton, Accountant, George Appleton of the City of Toronto, Comptroller, and Richard Dawson of the City of Hamilton, Secretary, have by their petition represented that they are desirous of being incorporated under the name "Society of Industrial and Cost Accountants of Ontario" for the purpose of increasing the knowledge, skill and proficiency of its members in all things relating to industrial and cost accounting, business organization and administration and generally for the carrying out of the objects of the Society; and whereas the said petitioners have prayed that an Act may be passed for such purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Incorporation.

1. Harold Percy Wright of the City of Hamilton, Accountant, George Appleton of the City of Toronto, Comptroller, and Richard Dawson of the City of Hamilton, Secretary, and such other persons as may hereafter become members of the Society are hereby constituted a body corporate and politic under the name "Society of Industrial and Cost Accountants of Ontario", herein called "the Society".

Objects.

2. The general objects of the Society shall be to promote and increase the knowledge, skill and proficiency of its members in all things relating to industrial and cost accounting, business organization and administration.

Membership.

3.—(1) Membership in the Society shall be open to any person 16 years of age or over engaged in or interested in industrial and cost accounting, business organization and administration.

(2) The Society shall have three classes of members, ^{Classes of Members.} namely, registered members, general members and student members.

4.—(1) A record, which shall be open for inspection by the ^{Record.} public at all reasonable times, shall be kept containing the names of all members of the Society in good standing.

(2) Only those members whose names appear in such ^{Idem.} record shall be entitled to the privileges of membership in the Society.

5. The Society may establish and administer a benevolent ^{Benevolent fund.} fund for any member or the family of any deceased member of the Society who may require financial assistance, and for that purpose may make or receive contributions.

6. The Society may purchase, sell, mortgage, lease or ^{Real property.} otherwise deal with such real property as is actually required for its purposes.

7.—(1) The affairs and business of the Society shall be ^{Council.} controlled, managed and regulated by a Council, which shall consist of at least ten registered members, five of whom shall constitute a quorum, and who shall hold office for a term of one year and until their successors are elected.

(2) Any member of the Council may be re-elected. ^{Idem.}

(3) When a vacancy occurs in the Council from any cause, the Council shall appoint any registered member of the Society to fill the vacancy until the next annual meeting of the Society.

8.—(1) A general meeting of the Society shall be held ^{Annual meeting.} annually for the purpose of electing the Council and for such other business as may be brought before the meeting.

(2) A general meeting shall be held at such time and place, ^{Idem.} upon such notice and otherwise as is provided in the by-laws of the Society.

9. The Council shall elect from its members a president, ^{Officers.} a first and a second vice-president, a secretary, and a treasurer or a secretary-treasurer, and may appoint a registrar and such other officers and employees as may be provided for in the by-laws of the Society.

10.—(1) The Council may pass by-laws which shall not ^{By-laws.} come into force until approved at an annual general meeting

of the Society or at a special general meeting thereof called for the purpose of considering same,—

- (a) to prescribe a curriculum and the course of studies to be pursued by members of the Society in industrial and cost accounting, business organization and administration and the subjects upon which candidates for admission to registered membership shall be examined, and for granting certificates to registered members;
- (b) to establish lectures and classes for members of the Society in industrial and cost accounting, business organization and administration;
- (c) authorizing an agreement between the Society and any university, college or school for such lectures or classes as may come within the course of subjects prescribed by the by-laws of the Society;
- (d) to regulate the conduct of the members of the Society including the suspension or expulsion of any member for misconduct or violation of the by-laws of the Society;
- (e) providing for the payment of a salary or other remuneration to the secretary, the treasurer or the secretary-treasurer, the registrar and any other officer or employee of the Society and fixing the duties of each of them;
- (f) fixing the examination fees to be paid by members and candidates for admission to membership in the Society, and the annual fees to be paid by members;
- (g) to establish chapters of the Society within Ontario;
- (h) to affiliate any other body, corporate or unincorporate, having objects similar to those of the Society;
- (i) governing the election of members to the Council;
- (j) fixing of procedure to be adopted at meetings; and
- (k) generally for the carrying out of the purposes of this Act.

Annulment
of by-law.

(2) Any by-law of the Society may be annulled by the Lieutenant-Governor in Council.

11.—(1) Every registered member of the Society shall have the right to use the designation "Registered Industrial and Cost Accountant" and may use after his name the initials "R. I. A.", indicating that he is a registered industrial and cost accountant. Designation.

(2) Every person taking or using the designation "Registered Industrial and Cost Accountant" or the initials "R. I. A." or any name, title or description implying that he is a registered member of the Society, unless authorized so to do, shall be guilty of an offence and shall upon conviction incur a penalty not exceeding \$25 for each offence. Offence.

(3) The penalty imposed under subsection 2 may be recovered under *The Summary Convictions Act* and shall be paid over forthwith by the magistrate to the Society. Penalty,
how re-
coverable.
Rev. Stat.,
c. 136.

12. This Act shall not affect or interfere with the right of any person from carrying on business in Ontario as a cost accountant, or industrial accountant, or professional accountant, and from designating himself as such. Right to
practise
unaffected.

13. Any surplus derived from carrying on the affairs and business of the Society shall be devoted and applied solely in promoting and carrying out its objects and purposes and shall not be divided among its members. Surplus.

14. The said Harold Percy Wright, George Appleton and Richard Dawson are hereby constituted a Provisional Council with power to call the first annual general meeting of the Society at such time and place, upon such notice and otherwise as to them appears advisable, having regard to the interests of the Society; provided that such meeting shall be called within three months after the day upon which this Act comes into force. Provisional
Council.

15. This Act may be cited as *The Society of Industrial and Cost Accountants of Ontario Act, 1941*. Short title.



BILL

An Act to incorporate the Society of Industrial and Cost Accountants of Ontario.

1st Reading

February 25th, 1941

2nd Reading

March 10th, 1941

3rd Reading

March 13th, 1941

MR. NEWLANDS

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act respecting The London Street Railway Company and the
Corporation of the City of London.

MR. DUNCAN

(PRIVATE BILL)

No. 3

1941

BILL

An Act respecting The London Street Railway
Company and the Corporation of the
City of London.

Preamble.

WHEREAS The London Street Railway Company and the Corporation of the City of London have by their petition represented that the by-law hereinafter mentioned has received the assent of the electors of the City of London; and whereas the petitioners have prayed for special legislation validating the said by-law and the agreement entered into pursuant thereto securing to The London Street Railway Company an exclusive bus transportation franchise upon the terms and conditions provided in the said by-law; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

By-law
L.S.R.-
7-242
and Agree-
ment vali-
dated.

1.—(1) By-law number L.S.R.-7-242 passed by the council of the Corporation of the City of London on the 29th day of July, 1940, relating to the granting of an exclusive transportation franchise for bus service within the limits of the City of London to The London Street Railway Company, set out in the Schedule hereto, is hereby ratified and confirmed and declared to be legal, valid and binding upon the Corporation of the City of London in the same manner and to the same extent as if set out at length in this Act and the provisions thereof were enacted in this Act; and the council of the Corporation of the City of London is hereby authorized and empowered to pass such other by-laws and enter into such agreements including the Agreement mentioned in the said by-law L.S.R.-7-242 and do all such other acts, matters or things as may be deemed necessary by the said council for the full and proper carrying out and enforcement of the provisions of the said by-law L.S.R.-7-242 and agreement and do any and all acts, matters or things that may be necessary to secure

ot The London Street Railway Company an exclusive transportation franchise for bus service within the limits of the City of London as provided in the said by-law L.S.R.-7-242.

Public
Vehicle
Act not
affected.

Rev. Stat.,
c. 289.

(2) Nothing in the said by-law L.S.R.-7-242 or any agreement entered into pursuant thereto shall be construed as affecting the powers conferred on the Department of Highways by *The Public Vehicle Act*.

Commence-
ment of Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

3. This Act may be cited as *The London Street Railway Company Franchise Act, 1941*.

SCHEDULE

BY-LAW No. L.S.R.-7-242

RESPECTING THE LONDON STREET RAILWAY COMPANY.

WHEREAS The London Street Railway Company (hereinafter called the Company) were incorporated by an Act of the Ontario Legislature, passed in the 36th year of the reign of Her Majesty, Queen Victoria;

AND WHEREAS by By-law Number 916 of The Corporation of the City of London (hereinafter called the Corporation) passed on the Twenty-first day of May, 1895, and a certain agreement made in pursuance thereof between the Company and the Corporation, bearing date the Sixth day of June, 1895, the consent, permission and authority of the Corporation was given and granted to the Company to construct, complete, maintain and operate a surface electric railway on the trolley system, consisting of double tracks and necessary cross-overs or single tracks with necessary side-tracks, turn-outs or switches, for the passage of cars, carriages and other vehicles adapted to the same upon and along certain streets mentioned in the said by-law;

AND WHEREAS the said by-law and agreement were validated by an Act of the Legislative Assembly of the Province of Ontario, passed in the 59th year of the reign of Her Majesty, Queen Victoria, Chapter 105;

AND WHEREAS the Company have requested the Corporation to grant to the Company an exclusive transportation franchise for bus service within the limits of the City of London, and have agreed that in the event of such franchise being granted to the Company the Company will, within six months after the by-law granting such franchise comes into effect, cease to operate any street cars within the said City of London, and will release to the Corporation all the rights of the Company under said By-law Number 916 and amending or varying by-laws (if any) and the said agreement and all other agreements relating thereto, and all other rights of every nature and kind, to operate street cars in the said City of London, and will grant and assign to the Corporation all the Company's street railway tracks, including double tracks, necessary cross-overs, single tracks with side-tracks, turn-outs and switches (save and except all diamonds at intersections with tracks of railway companies hereinafter referred to) presently located upon any street in the said City of London, and to remove all overhead lines and the poles supporting the same within sixty days after the Company cease to operate all their street cars as aforesaid;

BE IT THEREFORE ENACTED by the Municipal Council of The Corporation of the City of London as follows:

1. That, subject to the agreements, obligations, terms and conditions hereinafter contained, the Council of the Corporation hereby grant to the Company an exclusive transportation franchise for bus service within the limits of the said City of London for the term of ten years from and after the date when this by-law takes effect.

2. During the said term of ten years and any extension thereof the Company shall maintain and operate a fleet of not less than fifty buses, operating on an approximate mileage of two and one-half million miles per annum. All buses purchased or obtained by the Company after the date when this by-law takes effect for operation in the said City of London shall be of the latest design and type and shall contain all modern improvements for the convenience and comfort of passengers, including lighting and heating. All buses used or operated by the Company shall be kept at all times in a good and sufficient state of repair, shall be kept clean inside and out, and shall be lighted and heated at such hours and for such periods of the year as the Engineer for the time being of the Corporation

(hereinafter called the Engineer) may, from time to time, require, and to his entire satisfaction.

3. In addition to the buses mentioned in paragraph two hereof the Company shall maintain and operate, to the satisfaction of the Engineer, an additional bus for each fifteen hundred addition in population of the said City of London as shown by the assessment rolls of the said City from time to time over and above the population of the said City as shown by the said assessment roll made in the year in which this by-law comes into effect, and for each such bus an additional 40,000 miles shall be added to the mileage requirement referred to in paragraph two hereof. All buses purchased or obtained by the Company after the date when this by-law takes effect for operation in the said City of London shall be buses having not less than two doors used in ordinary operation.

4. The Company shall, before operating any bus under the authority of this by-law, obtain from The Board of Commissioners of Police for the City of London a license in respect of each bus, and shall pay therefor a fee of Ten dollars per annum, and the Company shall, at all times, comply with the terms and conditions of the by-law relating to the owners of motor omnibuses for hire within the City of London and the drivers thereof (except as otherwise expressly provided herein) passed by the said Board on the 21st day of November, A.D. 1922, and any amendments thereto and/or any other by-law which may, from time to time, be passed by the said Board relating to owners of motor omnibuses used for hire within the said City, including the taking out of an insurance policy or policies against accidents, for liability to the public and/or passengers, and for property damage, as provided for by such by-law or by-laws and/or any amendments thereto.

5. The Company are liable to the Corporation for bridge construction of the Ridout and Dundas Street bridges in the said City and shall continue to be liable for the same until the time or times when the debentures issued by the Corporation to pay for the construction of the said bridges have been paid in full.

6. The Corporation agree with the Company to assume and pay the share of the Company of grade separation costs as fixed by The Board of Transport Commissioners.

7. The Company shall, when this by-law takes effect, assign to the Corporation whatever interest the Company have or may at any time hereafter have in any refund from gasoline tax payable or paid to the Province of Ontario or the Dominion of Canada, and will join in, or make, any application for such refund that the Corporation may from time to time request, provided that such application shall be made at the expense of the Corporation.

8. The Company will, within six months after this by-law takes effect, cease to operate any and all street cars within the said City, and will release to the Corporation all the rights of the Company under said By-law Number 916 and/or any other by-law, and the said agreement and all other agreements relating to such by-laws, and all other rights of every nature and kind, if any, to operate street cars in the said City, and will grant and transfer to the Corporation all street railway tracks, including double tracks, necessary cross-overs, single tracks and side tracks, turn-outs and switches (save and except all diamonds at intersections with tracks of railway companies hereinafter referred to) presently located upon any street in the said City, and will remove all overhead lines and the poles supporting the same within sixty days after the Company cease to operate their cars as aforesaid, and the Corporation will relieve the Company from all liability for accidents caused by the said street railway tracks, including double tracks, necessary cross-overs, single tracks and side tracks, turn-outs and switches, and/or from the cost of the removal thereof and from all liability to restore the highways. Provided always that the Company shall, at their own expense, remove all diamonds at intersections with tracks of railway companies, and assume all responsibility and costs imposed by any authority or agreement with regard thereto.

9. The Company shall establish, maintain and operate continuously during the said term of ten years a bus system as follows: and the elapsed time between buses on a specified route (hereinafter referred to as "Headways") shall at no time be greater than the time herein set forth:

RICHMOND BUS SERVICE:

Headways—10 minutes—daily except Sundays. Special on Sundays.

ROUTE:

Southbound:

Commencing at Broughdale Loop—Richmond Street North,
South on Richmond Street to Horton Street,
West on Horton Street to Ridout Street,
South on Ridout Street to Elmwood Avenue, and
West on Elmwood Avenue to Wharncliffe Road South.

Northbound:

Commencing at Elmwood Avenue on Wharncliffe Road,
North on Wharncliffe Road to Bruce Street,
East on Bruce Street to Ridout Street,
North on Ridout Street to Horton Street,
East on Horton Street to Richmond Street, and
North on Richmond Street to Broughdale Loop.

UNIVERSITY SERVICE:

Diversion of service to University during University hours as now arranged.

DUNDAS BUS SERVICE:

Headways—10 minutes—daily except Sundays. Special on Sundays.

ROUTE:

Eastbound:

Commencing at Essex Street on Wharncliffe Road North,
South on Wharncliffe Road to Dundas Street, and
East on Dundas Street to Pottersburg Loop.

Westbound:

Commencing at Pottersburg Loop.
West on Dundas Street to Wharncliffe Road North, and
North on Wharncliffe Road North to Essex Street.

RIDOUT BUS SERVICE:

Headways—10 minutes—daily except Sundays. Special on Sundays.

ROUTE:

Eastbound:

Commencing on Wharncliffe Road at Emery Street,
North on Wharncliffe Road to Stanley Street,
East on Stanley Street to York Street,
East on York Street to Ridout Street,
North on Ridout Street to Dundas Street,
East on Dundas Street to Eleanor Street,
South on Eleanor Street to King Street,
East on King Street to Ashland Avenue, and
North on Ashland Avenue to Dundas Street.

Westbound:

Commencing at Ashland Avenue on Dundas Street,
West on Dundas Street to Ridout Street,
South on Ridout Street to York Street,
West on York Street to Stanley Street,
West on Stanley Street to Wharncliffe Road South
South on Wharncliffe Road to Briscoe Street,
East on Briscoe Street to Edward Street,
South on Edward Street to Emery Street, and
West on Emery Street to Wharncliffe Road South.

OXFORD BUS SERVICE:

Headways—10 minutes—daily except Sundays. Special on Sundays.

ROUTE:**Eastbound:**

Commencing at Emery Street on Wharncliffe Road South,
 North on Wharncliffe Road to Briscoe Street,
 East on Briscoe Street to Wortley Road.
 South on Wortley Road to Emery Street,
 East on Emery Street to Ridout Street,
 North on Ridout Street to Grand Avenue,
 East on Grand Avenue to Carfrae Crescent,
 North on Carfrae Crescent to Richmond Street,
 North on Richmond Street to Piccadilly Street,
 East on Piccadilly Street to Adelaide Street, and
 North on Adelaide Street to Oxford Street.

Westbound:

Commencing on Adelaide Street at Oxford Street,
 West on Oxford Street to Richmond Street,
 South on Richmond Street to Carfrae Crescent,
 South on Carfrae Crescent to Grand Avenue,
 West on Grand Avenue to Ridout Street,
 South on Ridout Street to Emery Street, and
 West on Emery Street to Wharncliffe Road South.

QUEBEC BUS SERVICE:

Headways—12 minutes—daily except Sundays. Special on Sundays.

ROUTE:**Westbound:**

Commencing at Oxford Street and Quebec Streets,
 South to Quebec Street to Dundas Street,
 West on Dundas Street to Wellington Street,
 North on Wellington Street to Queen's Avenue,
 West on Queen's Avenue to Talbot Street, and
 South on Talbot Street to Dundas Street.

Eastbound:

Commencing at Dundas Street and Talbot Street,
 East on Dundas Street to Quebec Street,
 North on Quebec Street to Oxford Street,
 West on Oxford Street to Barker Street,
 North on Barker Street to Travers Street,
 East on Travers Street to Linwood Avenue, and
 South on Linwood Avenue to Oxford Street.

WELLINGTON BUS SERVICE:

Headways—9 minutes—daily except Sundays. Special on Sundays.

ROUTE:**Northbound:**

Commencing at Emery Street on Wellington Road,
 West on Emery Street to High Street,
 North on High Street to Wellington Street,
 North on Wellington Street to Horton Street,
 West on Horton Street to Richmond Street,
 North on Richmond Street to Dufferin Avenue,
 East on Dufferin Avenue to Colborne Street,
 North on Colborne Street to Cheapside Street,
 East on Cheapside Street to Maitland Street,
 North on Maitland Street to Victoria Street,
 West on Victoria Street to Colborne Street, and
 North on Colborne Street to Huron Street.

Southbound:

Commencing at Huron Street on Colborne Street,
 West on Huron Street to Waterloo Street,

Southbound—*Continued*

South on Waterloo Street to Dufferin Avenue.
 West on Dufferin Avenue to Richmond Street,
 South on Richmond Street to Horton Street,
 East on Horton Street to Wellington Street,
 South on Wellington Street to Wellington Road, and
 South on Wellington Road to Emery Street.

HAMILTON ROAD BUS SERVICE:

Headways—5 and 6 minutes—daily except Sundays. Special on Sundays.

ROUTE:

Westbound:

Commencing at Loop Hamilton Road and Giles Street,
 West on Hamilton Road to Horton Street,
 West on Horton Street to Wellington Street,
 North on Wellington Street to Queen's Avenue, and
 West on Queen's Avenue to Richmond Street.

Eastbound:

Commencing at Richmond Street on Queen's Avenue,
 South on Richmond Street to Horton Street,
 East on Horton Street to Hamilton Road, and
 East on Hamilton Road to Loop at Giles Street.

ADELAIDE BUS SERVICE:

Headways—10 minutes—daily except Sundays. Special on Sundays.

ROUTE:

Northbound:

Commencing at Thompson Road on Adelaide Street,
 North on Adelaide Street to Grosvenor Street,
 West on Grosvenor Street to Maitland Street, and
 North on Maitland Street to Cheapside Street.

Southbound:

Commencing at Maitland Street on Cheapside Street,
 East on Cheapside Street to William Street,
 South on William Street to Grosvenor Street,
 East on Grosvenor Street to Adelaide Street, and
 South on Adelaide Street to Thompson Road.

WATERLOO BUS SERVICE:

Headways—11 minutes—daily except Sundays. Special on Sundays.

ROUTE:

Southbound:

Commencing at Richmond Street on Queen's Avenue,
 South on Richmond Street to Horton Street,
 East on Horton Street to Waterloo Street,
 South on Waterloo Street to Ottaway Avenue,
 East on Ottaway Avenue to Adelaide Street, and
 South on Adelaide Street to Nelson Street.

Northbound:

Commencing at Adelaide Street on Nelson Street,
 West on Nelson Street to Colborne Street,
 North on Colborne Street to Ottaway Avenue,
 West on Ottaway Avenue to Waterloo Street,
 North on Waterloo Street to Horton Street,
 West on Horton Street to Wellington Street,
 North on Wellington Street to Queen's Avenue, and
 West on Queen's Avenue to Richmond Street.

EGERTON STREET BUS SERVICE:

Headways—12 minutes—6.19 a.m. to 9.07 a.m.,
4.07 p.m. to 6.43 p.m.,
daily except Sundays.

ROUTE:

Northbound:

Commencing on Hamilton Road at Price Street,
West on Hamilton Road to Egerton Street, and
North on Egerton Street to Dundas Street.

Southbound:

Commencing on Dundas Street at Egerton Street,
South on Egerton Street to Hamilton Road,
East on Trafalgar Street to Price Street, and
South on Price Street to Hamilton Road.

PROVIDED (a) except as otherwise specified the routes indicated shall be operated between 6 a.m. and 12 o'clock midnight each day except Sundays and holidays;

(b) notwithstanding anything herein contained the services on Dundas Street between Eleanor Street and Richmond Street, and on Richmond Street between Dundas Street and Piccadilly Street shall be operated so that the headways between buses of the said services shall not at any time exceed five minutes.

10. The speed and service necessary on each of the said bus lines shall be determined from time to time and may be altered, changed or varied by the order of the Engineer, approved by the Council of the Corporation, and all buses shall be run at such intervals and stop at such stopping places as the Engineer, with the approval of the Council of the Corporation, may, from time to time, determine, and the Council of the Corporation may, from time to time, as they may see fit, by a vote of two-thirds of all the members thereof, change or vary any of the routes provided for by paragraph nine hereof, and the Company shall thereafter run their buses according to the route or routes so changed or varied by the Council of the Corporation, and the Company shall not of their own motion make any change in any of the said routes without the consent in writing of the Council of the Corporation.

11. This by-law shall not apply to the operation of motor buses or other vehicles running between any point within the City of London and cities, towns and/or villages, whether incorporated or unincorporated, outside the limits of the said City of London, so long as such motor buses or other vehicles do not convey passengers from one point within the limits of the said City to another point therein. Provided also that this by-law shall not apply to the operation of motor buses or other vehicles during any and all times that the Company is prevented from regularly operating in accordance with the terms of this by-law, or neglects or fails to regularly operate in accordance with the terms of this by-law all or any motor buses on all or any of their lines for more than one day, and that this by-law shall not apply at any time to cabs or taxi cabs or to vehicles licensed by The Department of Public Highways or vehicles over which the Council of the Corporation has no control.

12. Upon an application being made by the Company or the Corporation under paragraph seventeen hereof, the Corporation shall have the right, within thirty days after such application has been made, to have some one appointed at any time, and from time to time, to examine the books of accounts, vouchers, records, documents, balance sheets and all other papers or documents relating to the affairs of the Company, and to take extracts therefrom, and no further action shall be taken with regard to the application until the said thirty days have expired.

13. The Company may charge and collect from every person on entering any of their buses for a continuous journey of any distance on their bus system, from any point thereon to any other point on a main or branch line of such bus system within the limits of the City of London

as now existing, or hereafter extended, and Broughdale, a cash fare of seven cents if passenger has change and ten cents cash fare if passenger has no change, except for children under five years of age accompanied by a parent or other person having them in charge, such children to travel free, and shall sell tickets to students at the price of twenty-five cents for seven tickets, and shall also sell tickets at the price of twenty-five cents for four tickets, each of such tickets shall entitle the holder to one continuous journey on the buses as aforesaid between the hour when the buses commence running and twelve o'clock midnight, and shall also sell tickets at the price of fifty cents for nine tickets, each ticket to entitle the holder to one continuous journey on the buses as aforesaid between the hours of 6 a.m. and 8.45 a.m., and between the hours of 5 p.m. and 6.30 p.m., and shall also carry children between the ages of five and twelve years or a cash fare of three cents, and shall sell two children's tickets, good for children between the ages of five and twelve years, at the price of five cents, and shall also carry, free of charge, all police constables in uniform, all city firemen in uniform or wearing badges when going to or returning from a fire, health inspectors and thirty water inspectors of the said City, city detectives wearing badges, and six inspectors or investigators of the City Welfare Department, and the Company shall grant transfers, without any additional charge, for both adults and children, from any point on their bus system to any other point thereon within the limits of the said City as now existing or hereafter extended, and Broughdale, for a continuous journey, which is not a return trip, and shall from time to time make proper and sufficient arrangements, to the satisfaction of the Engineer, for the purpose of such transfers. The fares set out in this section shall not apply to chartered or private buses. No person, save as aforesaid, and save also employees in the service of the Company, shall be permitted to travel free upon any of the buses of the Company.

14. During the said term of ten years the assessment of the lands and buildings of the Company used in connection with their transportation system shall be fixed at \$80,000 per annum.

15. In the event of the Company failing or neglecting for the space of thirty days, computed as hereinafter mentioned, to maintain and operate their bus system in substantial conformity with the provisions of this by-law (in reckoning the said days parts of days shall be counted, and seventeen working hours, whether consecutive or not, and whether in the same twenty-four hours or not, shall be counted as one day) the Corporation, by resolution of the Council thereof, may declare that all the privileges and rights which the Company have acquired by this or any other by-law heretofore or hereafter passed, or by any agreement with the Corporation heretofore or hereafter made, are at an end, and may repeal the by-laws connected therewith and rescind the agreements relating thereto, and the said privileges and rights shall thereupon cease and be at an end accordingly, and the said agreements rescinded, or the Corporation may, at their option, from time to time, bring an action or actions in the Supreme Court of Ontario against the Company and all other necessary parties to compel the keeping, observing, performing of and complying with the provisions of this by-law and/or any agreement entered into pursuant thereto, and the Court shall have full power and jurisdiction in the premises to enforce by injunction, mandamus or otherwise the due observance, performance and fulfillment by the Company and its officers and other persons of all the provisions of this by-law in which the residents of the municipality or the Corporation or any other person or corporation are interested.

16. The Company may, if they wish to do so, apply in writing to the Council of the Corporation for a renewal or extension of the franchise granted by this by-law, and such application shall be filed with the Clerk of the Council of the Corporation not later than six months prior to the date of the annual municipal election at which such application is to be voted upon, and the vote to be taken upon such application shall be a vote of the municipal electors of the said City of London at the annual municipal election at least one year prior to the expiry of the said term of ten years.

17. In the event of material changes, downwards or upwards, taking place in the cost to the Company of providing bus service as provided for by this by-law, adjustments of the fares hereinbefore provided for may

be made by agreement between the Company and the Corporation, and in the event of the Corporation and the Company failing or neglecting to agree upon any adjustment as aforesaid within six weeks after the application for such adjustment is made, the Corporation or the Company so making the said application may apply to The Ontario Municipal Board to adjust the fares accordingly, and the Corporation and the Company shall be bound by any order made by the said Board on any such application, and such adjustments if made by agreement as aforesaid, or by the said Board, shall continue until changed by further agreement or by order of the said Board.

18. The Council of the Corporation will, when they receive from the Company the cost of taking the vote, submit this by-law for the assent of the municipal electors of the said City on or before the First day of August, 1940, and the Corporation will, if this by-law receives the assent of the electors as hereinafter provided for, join with the Company in applying to the Legislature of the Province of Ontario for legislation confirming and ratifying this by-law and the agreement to be entered into between the Corporation and the Company and declaring the same to be valid and binding on the Company and the Corporation; all expenses in connection with the procuring of such legislation to be paid and borne by the Company.

19. This by-law and the powers and privileges hereby granted shall not take effect or be binding on the Corporation unless and until formally assented to by the Municipal Electors of the said City of London and confirmed and validated by an Act of the Legislature of the Province of Ontario as hereinbefore provided, which Act shall provide that this by-law shall be valid and binding in the same manner and to the same extent as if set out at length in the said Act, nor unless and until accepted by the Company within thirty days after this by-law takes effect, by an agreement which shall legally bind the Company to perform, observe and comply with all the agreements, obligations, terms and conditions herein contained and shall be approved by the City Solicitor, and such agreement, when so approved, shall be executed under the seal of the Corporation by the Mayor or Chairman of Number One Committee and the City Clerk.

PASSED in open Council this 29th day of July, A.D. 1940.

K. GRANT CRAWFORD,
Clerk.

STANLEY F. COPP,
Presiding Officer.

BILL

An Act respecting the London Street Railway Company and The Corporation of the City of London.

1st Reading

2nd Reading

3rd Reading

MR. DUNCAN

(Private Bill)

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act respecting The London Street Railway Company and the
Corporation of the City of London.

MR. DUNCAN

No. 3

1941

BILL

An Act respecting The London Street Railway
Company and the Corporation of the
City of London.

Preamble.

WHEREAS The London Street Railway Company and the Corporation of the City of London have by their petition represented that the by-law hereinafter mentioned has received the assent of the electors of the City of London; and whereas the petitioners have prayed for special legislation validating the said by-law and the agreement entered into pursuant thereto securing to The London Street Railway Company an exclusive bus transportation franchise upon the terms and conditions provided in the said by-law; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

By-law
L.S.R.-
7-242
and Agree-
ment vali-
dated.

1.—(1) By-law number L.S.R.-7-242 passed by the council of the Corporation of the City of London on the 29th day of July, 1940, relating to the granting of an exclusive transportation franchise for bus service within the limits of the City of London to The London Street Railway Company, set out in the Schedule hereto, is hereby ratified and confirmed and declared to be legal, valid and binding upon the Corporation of the City of London in the same manner and to the same extent as if set out at length in this Act and the provisions thereof were enacted in this Act; and the council of the Corporation of the City of London is hereby authorized and empowered to pass such other by-laws and enter into such agreements including the Agreement mentioned in the said by-law L.S.R.-7-242 and do all such other acts, matters or things as may be deemed necessary by the said council for the full and proper carrying out and enforcement of the provisions of the said by-law L.S.R.-7-242 and agreement and do any and all acts, matters or things that may be necessary to secure

to The London Street Railway Company an exclusive transportation franchise for bus service within the limits of the City of London as provided in the said by-law L.S.R.-7-242.

(2) Nothing in the said by-law L.S.R.-7-242 or any agreement entered into pursuant thereto shall be construed as affecting the powers conferred on the Department of Highways by *The Public Vehicle Act*.

Public
Vehicle
Act not
affected.

Rev. Stat.,
c. 289.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

Commence-
ment of Act.

3. This Act may be cited as *The London Street Railway Company Franchise Act, 1941*.

Short title.

SCHEDULE

BY-LAW No. L.S.R.-7-242

RESPECTING THE LONDON STREET RAILWAY COMPANY.

WHEREAS The London Street Railway Company (hereinafter called the Company) were incorporated by an Act of the Ontario Legislature, passed in the 36th year of the reign of Her Majesty, Queen Victoria;

AND WHEREAS by By-law Number 916 of The Corporation of the City of London (hereinafter called the Corporation) passed on the Twenty-first day of May, 1895, and a certain agreement made in pursuance thereof between the Company and the Corporation, bearing date the Sixth day of June, 1895, the consent, permission and authority of the Corporation was given and granted to the Company to construct, complete, maintain and operate a surface electric railway on the trolley system, consisting of double tracks and necessary cross-overs or single tracks with necessary side-tracks, turn-outs or switches, for the passage of cars, carriages and other vehicles adapted to the same upon and along certain streets mentioned in the said by-law;

AND WHEREAS the said by-law and agreement were validated by an Act of the Legislative Assembly of the Province of Ontario, passed in the 59th year of the reign of Her Majesty, Queen Victoria, Chapter 105;

AND WHEREAS the Company have requested the Corporation to grant to the Company an exclusive transportation franchise for bus service within the limits of the City of London, and have agreed that in the event of such franchise being granted to the Company the Company will, within six months after the by-law granting such franchise comes into effect, cease to operate any street cars within the said City of London, and will release to the Corporation all the rights of the Company under said By-law Number 916 and amending or varying by-laws (if any) and the said agreement and all other agreements relating thereto, and all other rights of every nature and kind, to operate street cars in the said City of London, and will grant and assign to the Corporation all the Company's street railway tracks, including double tracks, necessary cross-overs, single tracks with side-tracks, turn-outs and switches (save and except all diamonds at intersections with tracks of railway companies hereinafter referred to) presently located upon any street in the said City of London, and to remove all overhead lines and the poles supporting the same within sixty days after the Company cease to operate all their street cars as aforesaid;

BE IT THEREFORE ENACTED by the Municipal Council of The Corporation of the City of London as follows:

1. That, subject to the agreements, obligations, terms and conditions hereinafter contained, the Council of the Corporation hereby grant to the Company an exclusive transportation franchise for bus service within the limits of the said City of London for the term of ten years from and after the date when this by-law takes effect.

2. During the said term of ten years and any extension thereof the Company shall maintain and operate a fleet of not less than fifty buses, operating on an approximate mileage of two and one-half million miles per annum. All buses purchased or obtained by the Company after the date when this by-law takes effect for operation in the said City of London shall be of the latest design and type and shall contain all modern improvements for the convenience and comfort of passengers, including lighting and heating. All buses used or operated by the Company shall be kept at all times in a good and sufficient state of repair, shall be kept clean inside and out, and shall be lighted and heated at such hours and for such periods of the year as the Engineer for the time being of the Corporation

(hereinafter called the Engineer) may, from time to time, require, and to his entire satisfaction.

3. In addition to the buses mentioned in paragraph two hereof the Company shall maintain and operate, to the satisfaction of the Engineer, an additional bus for each fifteen hundred addition in population of the said City of London as shown by the assessment rolls of the said City from time to time over and above the population of the said City as shown by the said assessment roll made in the year in which this by-law comes into effect, and for each such bus an additional 40,000 miles shall be added to the mileage requirement referred to in paragraph two hereof. All buses purchased or obtained by the Company after the date when this by-law takes effect for operation in the said City of London shall be buses having not less than two doors used in ordinary operation.

4. The Company shall, before operating any bus under the authority of this by-law, obtain from The Board of Commissioners of Police for the City of London a license in respect of each bus, and shall pay therefor a fee of Ten dollars per annum, and the Company shall, at all times, comply with the terms and conditions of the by-law relating to the owners of motor omnibuses for hire within the City of London and the drivers thereof (except as otherwise expressly provided herein) passed by the said Board on the 21st day of November, A.D. 1922, and any amendments thereto and/or any other by-law which may, from time to time, be passed by the said Board relating to owners of motor omnibuses used for hire within the said City, including the taking out of an insurance policy or policies against accidents, for liability to the public and/or passengers, and for property damage, as provided for by such by-law or by-laws and/or any amendments thereto.

5. The Company are liable to the Corporation for bridge construction of the Ridout and Dundas Street bridges in the said City and shall continue to be liable for the same until the time or times when the debentures issued by the Corporation to pay for the construction of the said bridges have been paid in full.

6. The Corporation agree with the Company to assume and pay the share of the Company of grade separation costs as fixed by The Board of Transport Commissioners.

7. The Company shall, when this by-law takes effect, assign to the Corporation whatever interest the Company have or may at any time hereafter have in any refund from gasoline tax payable or paid to the Province of Ontario or the Dominion of Canada, and will join in, or make, any application for such refund that the Corporation may from time to time request, provided that such application shall be made at the expense of the Corporation.

8. The Company will, within six months after this by-law takes effect, cease to operate any and all street cars within the said City, and will release to the Corporation all the rights of the Company under said By-law Number 916 and/or any other by-law, and the said agreement and all other agreements relating to such by-laws, and all other rights of every nature and kind, if any, to operate street cars in the said City, and will grant and transfer to the Corporation all street railway tracks, including double tracks, necessary cross-overs, single tracks and side tracks, turn-outs and switches (save and except all diamonds at intersections with tracks of railway companies hereinafter referred to) presently located upon any street in the said City, and will remove all overhead lines and the poles supporting the same within sixty days after the Company cease to operate their cars as aforesaid, and the Corporation will relieve the Company from all liability for accidents caused by the said street railway tracks, including double tracks, necessary cross-overs, single tracks and side tracks, turn-outs and switches, and/or from the cost of the removal thereof and from all liability to restore the highways. Provided always that the Company shall, at their own expense, remove all diamonds at intersections with tracks of railway companies, and assume all responsibility and costs imposed by any authority or agreement with regard thereto.

9. The Company shall establish, maintain and operate continuously during the said term of ten years a bus system as follows: and the elapsed time between buses on a specified route (hereinafter referred to as "Headways") shall at no time be greater than the time herein set forth:

RICHMOND BUS SERVICE:

Headways—10 minutes—daily except Sundays. Special on Sundays.

ROUTE:

Southbound:

Commencing at Broughdale Loop—Richmond Street North,
South on Richmond Street to Horton Street,
West on Horton Street to Ridout Street,
South on Ridout Street to Elmwood Avenue, and
West on Elmwood Avenue to Wharncliffe Road South.

Northbound:

Commencing at Elmwood Avenue on Wharncliffe Road,
North on Wharncliffe Road to Bruce Street,
East on Bruce Street to Ridout Street,
North on Ridout Street to Horton Street,
East on Horton Street to Richmond Street, and
North on Richmond Street to Broughdale Loop.

UNIVERSITY SERVICE:

Diversion of service to University during University hours as now arranged.

DUNDAS BUS SERVICE:

Headways—10 minutes—daily except Sundays. Special on Sundays.

ROUTE:

Eastbound:

Commencing at Essex Street on Wharncliffe Road North,
South on Wharncliffe Road to Dundas Street, and
East on Dundas Street to Pottersburg Loop.

Westbound:

Commencing at Pottersburg Loop,
West on Dundas Street to Wharncliffe Road North, and
North on Wharncliffe Road North to Essex Street.

RIDOUT BUS SERVICE:

Headways—10 minutes—daily except Sundays. Special on Sundays.

ROUTE:

Eastbound:

Commencing on Wharncliffe Road at Emery Street,
North on Wharncliffe Road to Stanley Street,
East on Stanley Street to York Street,
East on York Street to Ridout Street,
North on Ridout Street to Dundas Street,
East on Dundas Street to Eleanor Street,
South on Eleanor Street to King Street,
East on King Street to Ashland Avenue, and
North on Ashland Avenue to Dundas Street.

Westbound:

Commencing at Ashland Avenue on Dundas Street,
West on Dundas Street to Ridout Street,
South on Ridout Street to York Street,
West on York Street to Stanley Street,
West on Stanley Street to Wharncliffe Road South,
South on Wharncliffe Road to Briscoe Street,
East on Briscoe Street to Edward Street,
South on Edward Street to Emery Street, and
West on Emery Street to Wharncliffe Road South.

OXFORD BUS SERVICE:

Headways—10 minutes—daily except Sundays. Special on Sundays.

ROUTE:**Eastbound:**

Commencing at Emery Street on Wharncliffe Road South,
 North on Wharncliffe Road to Briscoe Street,
 East on Briscoe Street to Wortley Road.
 South on Wortley Road to Emery Street,
 East on Emery Street to Ridout Street,
 North on Ridout Street to Grand Avenue,
 East on Grand Avenue to Carfrae Crescent,
 North on Carfrae Crescent to Richmond Street,
 North on Richmond Street to Piccadilly Street,
 East on Piccadilly Street to Adelaide Street, and
 North on Adelaide Street to Oxford Street.

Westbound:

Commencing on Adelaide Street at Oxford Street,
 West on Oxford Street to Richmond Street,
 South on Richmond Street to Carfrae Crescent,
 South on Carfrae Crescent to Grand Avenue,
 West on Grand Avenue to Ridout Street,
 South on Ridout Street to Emery Street, and
 West on Emery Street to Wharncliffe Road South.

QUEBEC BUS SERVICE:

Headways—12 minutes—daily except Sundays. Special on Sundays.

ROUTE:**Westbound:**

Commencing at Oxford Street and Quebec Streets,
 South to Quebec Street to Dundas Street,
 West on Dundas Street to Wellington Street,
 North on Wellington Street to Queen's Avenue,
 West on Queen's Avenue to Talbot Street, and
 South on Talbot Street to Dundas Street.

Eastbound:

Commencing at Dundas Street and Talbot Street,
 East on Dundas Street to Quebec Street,
 North on Quebec Street to Oxford Street,
 West on Oxford Street to Barker Street,
 North on Barker Street to Travers Street,
 East on Travers Street to Linwood Avenue, and
 South on Linwood Avenue to Oxford Street.

WELLINGTON BUS SERVICE:

Headways—9 minutes—daily except Sundays. Special on Sundays.

ROUTE:**Northbound:**

Commencing at Emery Street on Wellington Road,
 West on Emery Street to High Street,
 North on High Street to Wellington Street,
 North on Wellington Street to Horton Street,
 West on Horton Street to Richmond Street,
 North on Richmond Street to Dufferin Avenue,
 East on Dufferin Avenue to Colborne Street,
 North on Colborne Street to Cheapside Street,
 East on Cheapside Street to Maitland Street,
 North on Maitland Street to Victoria Street,
 West on Victoria Street to Colborne Street, and
 North on Colborne Street to Huron Street.

Southbound:

Commencing at Huron Street on Colborne Street,
 West on Huron Street to Waterloo Street,

Southbound—*Continued*

South on Waterloo Street to Dufferin Avenue,
West on Dufferin Avenue to Richmond Street,
South on Richmond Street to Horton Street,
East on Horton Street to Wellington Street,
South on Wellington Street to Wellington Road, and
South on Wellington Road to Emery Street.

HAMILTON ROAD BUS SERVICE:

Headways—5 and 6 minutes—daily except Sundays. Special on Sundays.

ROUTE:

Westbound:

Commencing at Loop Hamilton Road and Giles Street,
West on Hamilton Road to Horton Street,
West on Horton Street to Wellington Street,
North on Wellington Street to Queen's Avenue, and
West on Queen's Avenue to Richmond Street.

Eastbound:

Commencing at Richmond Street on Queen's Avenue,
South on Richmond Street to Horton Street,
East on Horton Street to Hamilton Road, and
East on Hamilton Road to Loop at Giles Street.

ADELAIDE BUS SERVICE:

Headways—10 minutes—daily except Sundays. Special on Sundays.

ROUTE:

Northbound:

Commencing at Thompson Road on Adelaide Street,
North on Adelaide Street to Grosvenor Street,
West on Grosvenor Street to Maitland Street, and
North on Maitland Street to Cheapside Street.

Southbound:

Commencing at Maitland Street on Cheapside Street,
East on Cheapside Street to William Street,
South on William Street to Grosvenor Street,
East on Grosvenor Street to Adelaide Street, and
South on Adelaide Street to Thompson Road.

WATERLOO BUS SERVICE:

Headways—11 minutes—daily except Sundays. Special on Sundays.

ROUTE:

Southbound:

Commencing at Richmond Street on Queen's Avenue,
South on Richmond Street to Horton Street,
East on Horton Street to Waterloo Street,
South on Waterloo Street to Ottawa Avenue,
East on Ottawa Avenue to Adelaide Street, and
South on Adelaide Street to Nelson Street.

Northbound:

Commencing at Adelaide Street on Nelson Street,
West on Nelson Street to Colborne Street,
North on Colborne Street to Ottawa Avenue,
West on Ottawa Avenue to Waterloo Street,
North on Waterloo Street to Horton Street,
West on Horton Street to Wellington Street,
North on Wellington Street to Queen's Avenue, and
West on Queen's Avenue to Richmond Street.

EGERTON STREET BUS SERVICE:

Headways—12 minutes—6.19 a.m. to 9.07 a.m.,
4.07 p.m. to 6.43 p.m.,
daily except Sundays.

ROUTE:

Northbound:

Commencing on Hamilton Road at Price Street,
West on Hamilton Road to Egerton Street, and
North on Egerton Street to Dundas Street.

Southbound:

Commencing on Dundas Street at Egerton Street,
South on Egerton Street to Hamilton Road,
East on Trafalgar Street to Price Street, and
South on Price Street to Hamilton Road.

PROVIDED (a) except as otherwise specified the routes indicated shall be operated between 6 a.m. and 12 o'clock midnight each day except Sundays and holidays;

(b) notwithstanding anything herein contained the services on Dundas Street between Eleanor Street and Richmond Street, and on Richmond Street between Dundas Street and Piccadilly Street shall be operated so that the headways between buses of the said services shall not at any time exceed five minutes.

10. The speed and service necessary on each of the said bus lines shall be determined from time to time and may be altered, changed or varied by the order of the Engineer, approved by the Council of the Corporation, and all buses shall be run at such intervals and stop at such stopping places as the Engineer, with the approval of the Council of the Corporation, may, from time to time, determine, and the Council of the Corporation may, from time to time, as they may see fit, by a vote of two-thirds of all the members thereof, change or vary any of the routes provided for by paragraph nine hereof, and the Company shall thereafter run their buses according to the route or routes so changed or varied by the Council of the Corporation, and the Company shall not of their own motion make any change in any of the said routes without the consent in writing of the Council of the Corporation.

11. This by-law shall not apply to the operation of motor buses or other vehicles running between any point within the City of London and cities, towns and/or villages, whether incorporated or unincorporated, outside the limits of the said City of London, so long as such motor buses or other vehicles do not convey passengers from one point within the limits of the said City to another point therein. Provided also that this by-law shall not apply to the operation of motor buses or other vehicles during any and all times that the Company is prevented from regularly operating in accordance with the terms of this by-law, or neglects or fails to regularly operate in accordance with the terms of this by-law all or any motor buses on all or any of their lines for more than one day, and that this by-law shall not apply at any time to cabs or taxi cabs or to vehicles licensed by The Department of Public Highways or vehicles over which the Council of the Corporation has no control.

12. Upon an application being made by the Company or the Corporation under paragraph seventeen hereof, the Corporation shall have the right, within thirty days after such application has been made, to have some one appointed at any time, and from time to time, to examine the books of accounts, vouchers, records, documents, balance sheets and all other papers or documents relating to the affairs of the Company, and to take extracts therefrom, and no further action shall be taken with regard to the application until the said thirty days have expired.

13. The Company may charge and collect from every person on entering any of their buses for a continuous journey of any distance on their bus system, from any point thereon to any other point on a main or branch line of such bus system within the limits of the City of London

as now existing, or hereafter extended, and Broughdale, a cash fare of seven cents if passenger has change and ten cents cash fare if passenger has no change, except for children under five years of age accompanied by a parent or other person having them in charge, such children to travel free, and shall sell tickets to students at the price of twenty-five cents for seven tickets, and shall also sell tickets at the price of twenty-five cents for four tickets, each of such tickets shall entitle the holder to one continuous journey on the buses as aforesaid between the hour when the buses commence running and twelve o'clock midnight, and shall also sell tickets at the price of fifty cents for nine tickets, each ticket to entitle the holder to one continuous journey on the buses as aforesaid between the hours of 6 a.m. and 8.45 a.m., and between the hours of 5 p.m. and 6.30 p.m., and shall also carry children between the ages of five and twelve years or a cash fare of three cents, and shall sell two children's tickets, good for children between the ages of five and twelve years, at the price of five cents, and shall also carry, free of charge, all police constables in uniform, all city firemen in uniform or wearing badges when going to or returning from a fire, health inspectors and thirty water inspectors of the said City, city detectives wearing badges, and six inspectors or investigators of the City Welfare Department, and the Company shall grant transfers, without any additional charge, for both adults and children, from any point on their bus system to any other point thereon within the limits of the said City as now existing or hereafter extended, and Broughdale, for a continuous journey, which is not a return trip, and shall from time to time make proper and sufficient arrangements, to the satisfaction of the Engineer, for the purpose of such transfers. The fares set out in this section shall not apply to chartered or private buses. No person, save as aforesaid, and save also employees in the service of the Company, shall be permitted to travel free upon any of the buses of the Company.

14. During the said term of ten years the assessment of the lands and buildings of the Company used in connection with their transportation system shall be fixed at \$80,000 per annum.

15. In the event of the Company failing or neglecting for the space of thirty days, computed as hereinafter mentioned, to maintain and operate their bus system in substantial conformity with the provisions of this by-law (in reckoning the said days parts of days shall be counted, and seventeen working hours, whether consecutive or not, and whether in the same twenty-four hours or not, shall be counted as one day) the Corporation, by resolution of the Council thereof, may declare that all the privileges and rights which the Company have acquired by this or any other by-law heretofore or hereafter passed, or by any agreement with the Corporation heretofore or hereafter made, are at an end, and may repeal the by-laws connected therewith and rescind the agreements relating thereto, and the said privileges and rights shall thereupon cease and be at an end accordingly, and the said agreements rescinded, or the Corporation may, at their option, from time to time, bring an action or actions in the Supreme Court of Ontario against the Company and all other necessary parties to compel the keeping, observing, performing of and complying with the provisions of this by-law and/or any agreement entered into pursuant thereto, and the Court shall have full power and jurisdiction in the premises to enforce by injunction, mandamus or otherwise the due observance, performance and fulfillment by the Company and its officers and other persons of all the provisions of this by-law in which the residents of the municipality or the Corporation or any other person or corporation are interested.

16. The Company may, if they wish to do so, apply in writing to the Council of the Corporation for a renewal or extension of the franchise granted by this by-law, and such application shall be filed with the Clerk of the Council of the Corporation not later than six months prior to the date of the annual municipal election at which such application is to be voted upon, and the vote to be taken upon such application shall be a vote of the municipal electors of the said City of London at the annual municipal election at least one year prior to the expiry of the said term of ten years.

17. In the event of material changes, downwards or upwards, taking place in the cost to the Company of providing bus service as provided for by this by-law, adjustments of the fares hereinbefore provided for may

be made by agreement between the Company and the Corporation, and in the event of the Corporation and the Company failing or neglecting to agree upon any adjustment as aforesaid within six weeks after the application for such adjustment is made, the Corporation or the Company so making the said application may apply to The Ontario Municipal Board to adjust the fares accordingly, and the Corporation and the Company shall be bound by any order made by the said Board on any such application, and such adjustments if made by agreement as aforesaid, or by the said Board, shall continue until changed by further agreement or by order of the said Board.

18. The Council of the Corporation will, when they receive from the Company the cost of taking the vote, submit this by-law for the assent of the municipal electors of the said City on or before the First day of August, 1940, and the Corporation will, if this by-law receives the assent of the electors as hereinafter provided for, join with the Company in applying to the Legislature of the Province of Ontario for legislation confirming and ratifying this by-law and the agreement to be entered into between the Corporation and the Company and declaring the same to be valid and binding on the Company and the Corporation; all expenses in connection with the procuring of such legislation to be paid and borne by the Company.

19. This by-law and the powers and privileges hereby granted shall not take effect or be binding on the Corporation unless and until formally assented to by the Municipal Electors of the said City of London and confirmed and validated by an Act of the Legislature of the Province of Ontario as hereinbefore provided, which Act shall provide that this by-law shall be valid and binding in the same manner and to the same extent as if set out at length in the said Act, nor unless and until accepted by the Company within thirty days after this by-law takes effect, by an agreement which shall legally bind the Company to perform, observe and comply with all the agreements, obligations, terms and conditions herein contained and shall be approved by the City Solicitor, and such agreement, when so approved, shall be executed under the seal of the Corporation by the Mayor or Chairman of Number One Committee and the City Clerk.

PASSED in open Council this 29th day of July, A.D. 1940.

K. GRANT CRAWFORD,
Clerk.

STANLEY F. COPP,
Presiding Officer.

BILL

An Act respecting the London Street Railway Company and The Corporation of the City of London.

1st Reading

March 5th, 1941

2nd Reading

March 17th, 1941

3rd Reading

March 25th, 1941

MR. DUNCAN

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act respecting the Rockwood Town Hall.

MR. McEWING

(PRIVATE BILL)

BILL

An Act respecting the Rockwood Town Hall.

Preamble.

WHEREAS the trustees of the Rockwood Town Hall, the board of trustees for the Police Village of Rockwood, and the council of the Township of Eramosa have by their petition prayed for special legislation in respect of the Rockwood Town Hall; and whereas it is expedient to grant the prayer of the said petition:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rockwood
Town Hall
vested in
Eramosa
Township.

1. All and singular that certain parcel or tract of land and premises situate, lying and being in the Police Village of Rockwood in the Township of Eramosa in the County of Wellington and being composed of lot number D on the south side of Main Street in Block A of the said Police Village of Rockwood according to surveys registered in the registry office for the South and Centre Ridings of the County of Wellington as numbers 150 and 260, known as the Rockwood Town Hall, is hereby vested in the Corporation of the Township of Eramosa in trust, free from all encumbrances, liens and other charges whatsoever, and exempt from taxation as long as it continues to be so vested.

To hold
in trust.

Rev. Stat.,
c. 266.

2. Notwithstanding the provisions of *The Municipal Act*, the Corporation of the Township of Eramosa shall hold the land and premises known as the Rockwood Town Hall in trust for the board of trustees of the Police Village of Rockwood or its successors, and the said board of trustees or its successors shall have sole and exclusive control of the said land and premises including the management and operation of the said land and premises, the receipt of rents and profits thereof, the making of and payment for alterations and construction of buildings thereon, and the payment of maintenance charges and all other expenses in connection therewith.

This Act
to be
registered.

3. A copy of this Act shall be deposited, copied and registered in the general register of the registry office for the South and Centre Ridings of the County of Wellington, and

the registrar of deeds shall enter in the abstract index of the parcel of land described in section 1 a note, entry or memorandum showing that such parcel is vested in the Corporation of the Township of Eramosa in trust and referring to the registration number of this Act in the general register.

Provision
for sale.

4. Upon resolution of the board of trustees of the Police Village of Rockwood or its successors, the Corporation of the Township of Eramosa shall offer for sale, sell and convey the land and premises described in section 1 upon the terms and conditions of the said resolution, and shall place the proceeds thereof to the credit of the said board of trustees, or its successors, in the books of the treasurer of the said Township for the use of the said board of trustees absolutely, to be expended in conformance with and in any manner authorized by law.

Short title.

5. This Act may be cited as *The Rockwood Town Hall Act, 1941*.



BILL

An Act respecting the Rockwood
Town Hall.

1st Reading

2nd Reading

3rd Reading

MR. McEWING

(*Private Bill*)

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act respecting the Rockwood Town Hall.

MR. MCEWING

BILL

An Act respecting the Rockwood Town Hall.

Preamble.

WHEREAS the trustees of the Rockwood Town Hall, the board of trustees for the Police Village of Rockwood, and the council of the Township of Eramosa have by their petition prayed for special legislation in respect of the Rockwood Town Hall; and whereas it is expedient to grant the prayer of the said petition:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rockwood
Town Hall
vested in
Eramosa
Township.

1. All and singular that certain parcel or tract of land and premises situate, lying and being in the Police Village of Rockwood in the Township of Eramosa in the County of Wellington and being composed of lot number D on the south side of Main Street in Block A of the said Police Village of Rockwood according to surveys registered in the registry office for the South and Centre Ridings of the County of Wellington as numbers 150 and 260, known as the Rockwood Town Hall, is hereby vested in the Corporation of the Township of Eramosa in trust, free from all encumbrances, liens and other charges whatsoever, and exempt from taxation as long as it continues to be so vested.

To hold
in trust.

Rev. Stat.,
c. 266.

2. Notwithstanding the provisions of *The Municipal Act*, the Corporation of the Township of Eramosa shall hold the land and premises known as the Rockwood Town Hall in trust for the board of trustees of the Police Village of Rockwood or its successors, and the said board of trustees or its successors shall have sole and exclusive control of the said land and premises including the management and operation of the said land and premises, the receipt of rents and profits thereof, the making of and payment for alterations and construction of buildings thereon, and the payment of maintenance charges and all other expenses in connection therewith.

This Act
to be
registered.

3. A copy of this Act shall be deposited, copied and registered in the general register of the registry office for the South and Centre Ridings of the County of Wellington, and

the registrar of deeds shall enter in the abstract index of the parcel of land described in section 1 a note, entry or memorandum showing that such parcel is vested in the Corporation of the Township of Eramosa in trust and referring to the registration number of this Act in the general register.

4. Upon resolution of the board of trustees of the Police ^{Provision} Village of Rockwood or its successors, the Corporation of the ^{for sale.} Township of Eramosa shall offer for sale, sell and convey the land and premises described in section 1 upon the terms and conditions of the said resolution, and shall place the proceeds thereof to the credit of the said board of trustees, or its successors, in the books of the treasurer of the said Township for the use of the said board of trustees absolutely, to be expended in conformance with and in any manner authorized by law.

5. This Act may be cited as *The Rockwood Town Hall* ^{Short title.} Act, 1941.

BILL

An Act respecting the Rockwood
Town Hall.

1st Reading

March 5th, 1941

2nd Reading

March 17th, 1941

3rd Reading

March 25th, 1941

MR. McEWING

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act respecting the Town of Orillia.

MR. FROST

(PRIVATE BILL)

No. 5

1941

BILL

An Act respecting the Town of Orillia.

Preamble.

WHEREAS the Corporation of the Town of Orillia has by its petition prayed for special legislation in respect of the water power developments of the said Corporation; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Power to
construct
dams, etc.

1. The Corporation of the Town of Orillia is hereby empowered to and may construct, maintain and operate in the Townships of Sherbourne, Havelock, Eyre, Stanhope, Guilford, Harburn and Dysart, or in any one or more of such townships, dams, ditches and other works for the regulation, passage, conservation and storage of water, or otherwise designed to improve or augment the water power developments of the Corporation of the Town of Orillia.

Short title.

2. This Act may be cited as *The Town of Orillia Act, 1941*.

BILL

An Act respecting the Town of Orillia.

1st Reading

2nd Reading

3rd Reading

MR. FROST

(Private Bill)

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act respecting the Town of Orillia.

MR. FROST

(PRIVATE BILL)

No. 5

1941

BILL

An Act respecting the Town of Orillia.

Preamble.

WHEREAS the Corporation of the Town of Orillia has by its petition prayed for special legislation in respect of the water power developments of the said Corporation; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Power to
construct
dams, etc.

1. The Corporation of the Town of Orillia is hereby empowered to construct, maintain and operate in the Townships of Sherbourne, Havelock, Eyre, Stanhope, Guilford, Harburn and Dysart, or in any one or more of such townships, dams, ditches and other works for the regulation, passage, conservation and storage of water, or otherwise designed to improve or augment the water power developments of the Corporation of the Town of Orillia.



Saving.

2. Nothing in this Act shall give the Corporation of the Town of Orillia power to divert water from the Black River watershed or to construct or operate works for such purpose.

Idem.

3. Nothing in this Act shall affect the application of *The Lakes and Rivers Improvement Act*, the rights of His Majesty in the right of the Dominion of Canada or the rights of any other person.



Short title.

4. This Act may be cited as *The Town of Orillia Act, 1941*.

BILL

An Act respecting the Town of Orillia.

1st Reading

March 5th, 1941

2nd Reading

3rd Reading

MR. FROST

*(Reprinted as amended by the Committee on
Private Bills.)*

No. 5

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act respecting the Town of Orillia.

MR. FROST

BILL

An Act respecting the Town of Orillia.

Preamble.

WHEREAS the Corporation of the Town of Orillia has by its petition prayed for special legislation in respect of the water power developments of the said Corporation; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Power to
construct
dams, etc.

1. The Corporation of the Town of Orillia is hereby empowered to construct, maintain and operate in the Townships of Sherbourne, Havelock, Eyre, Stanhope, Guilford, Harburn and Dysart, or in any one or more of such townships, dams, ditches and other works for the regulation, passage, conservation and storage of water, or otherwise designed to improve or augment the water power developments of the Corporation of the Town of Orillia.

Saving.

2. Nothing in this Act shall give the Corporation of the Town of Orillia power to divert water from the Black River watershed or to construct or operate works for such purpose.

Idem.

3. Nothing in this Act shall affect the application of *The Lakes and Rivers Improvement Act*, the rights of His Majesty in the right of the Dominion of Canada or the rights of any other person.

Short title.

4. This Act may be cited as *The Town of Orillia Act, 1941*.

BILL

An Act respecting the Town of Orillia.

1st Reading

March 5th, 1941

2nd Reading

March 28th, 1941

3rd Reading

April 1st, 1941

MR. FROST

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act respecting the City of Port Arthur and the Public Utilities
Commission of Port Arthur.

MR. COX

(PRIVATE BILL)

BILL

An Act respecting the City of Port Arthur and the Public Utilities Commission of Port Arthur.

Preamble.

WHEREAS the Corporation of the City of Port Arthur and the Public Utilities Commission of the City of Port Arthur have by their petition represented that the said Commission has recommended the installation of an automatic dial telephone system at an estimated cost of \$312,000, of which, subject to the approval of the Ontario Municipal Board, the sum of \$127,000 shall be provided by the said Commission from its depreciation fund as hereinafter mentioned and the remainder, \$185,000, shall be borrowed upon debentures of the said Corporation; and whereas the council of the said Corporation did on the 6th day of January, 1941, submit to the electors of the City of Port Arthur, qualified to vote on money by-laws, a proposed by-law, set out in the Schedule hereto, which received the assent of such electors, 1,764 having voted in favour and 1,071 against the said proposed by-law; and whereas the said Corporation and the said Commission have prayed for special legislation in respect of such matters; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Depreciation
fund.

Rev. Stat.,
c. 261.

1. Notwithstanding the provisions of *The Telephone Act*, the Public Utilities Commission of the City of Port Arthur shall have power to establish and may provide and maintain a depreciation fund within the meaning of section 108 of *The Telephone Act* and may, out of its accumulated surplus, pay into such depreciation fund a sum not exceeding \$127,000 and may, from time to time, subject to the approval of the Ontario Municipal Board, expend such depreciation fund or such portions thereof as may be necessary or expedient for the purposes set out in the said proposed by-law, or otherwise for the purposes mentioned in section 109 of *The Telephone Act*.

Power to
instal
automatic
telephones.

2. Subject to the approval of the Ontario Municipal Board, the Public Utilities Commission of the City of Port Arthur shall have power to and may purchase and install an automatic telephone switchboard, dial telephones and such equipment as is necessary in connection therewith.

By-law
validated.

3. The council of the Corporation of the City of Port Arthur may, with the approval of the Ontario Municipal Board, pass the said proposed by-law set out in the Schedule hereto and notwithstanding the provisions of paragraph 9 thereof the said proposed by-law shall come into force and effect when so approved and passed and thereupon such by-law shall be legal, valid and binding upon the Corporation of the City of Port Arthur and the ratepayers thereof.

Debentures,
issue of.

4. Notwithstanding the form of the schedule to the said proposed by-law, the debentures to which such schedule refers may be issued in accordance with subsection 8 of section 305 of *The Municipal Act* at any time within two years after the passing of the said proposed by-law, or at any time after the expiration of the said two years in accordance with subsection 11 of section 305 of *The Municipal Act*.

Rev. Stat.,
c. 266.

Commence-
ment of Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

Short
title.

6. This Act may be cited as *The City of Port Arthur Act, 1941*.

SCHEDULE
CITY OF PORT ARTHUR
BY-LAW NUMBER

A by-law to provide for borrowing \$185,000.00 upon debentures to pay a part of the cost of purchasing and installing an Automatic Telephone Switchboard and Dial Telephones and necessary Equipment in connection therewith.

WHEREAS The Public Utilities Commission of the City of Port Arthur has recommended to the Council of the City of Port Arthur that it is advisable to purchase and install an Automatic Telephone Switchboard and Dial Telephones and necessary Equipment in connection therewith, and has requested the Council to provide a portion of the cost thereof by the issue and sale of debentures as hereinafter mentioned.

AND WHEREAS the estimated cost is the sum of \$312,000.00, of which sum, if this By-law is assented to by the electors qualified to vote on money by-laws and validated and confirmed by the Legislative Assembly of the Province of Ontario, the said The Public Utilities Commission of the City of Port Arthur can provide the sum of \$127,000.00, and the balance of the cost, amounting to \$185,000.00, will require to be raised by the issue and sale of debentures.

AND WHEREAS the Council deems it advisable and expedient, if this By-law shall be validated and confirmed by the Legislative Assembly of the Province of Ontario, to issue debentures in the sum of \$185,000.00 to provide the balance of the monies for the purposes aforesaid.

AND WHEREAS it is necessary to borrow the said sum of \$185,000.00 on the credit of the Corporation, which is the amount of the debt intended to be created by this By-law, and to issue debentures therefor payable within fifteen years from the time of the issuing thereof and bearing interest at the rate of $3\frac{1}{2}\%$ per annum.

AND WHEREAS it is desirable to issue the debentures at one time and to make the principal of the said debt payable by yearly sums during the period of 15 years, being the currency of the said debentures, said yearly sums being of such respective amounts that the aggregate amount payable in each year for principal and interest in respect of the said debt shall be as nearly as possible equal to the amount so payable in each of the said 15 years of the said period as shown in Schedule "A" hereto attached.

AND WHEREAS it will be necessary to raise annually the sum of \$16,062.64 during the period of 15 years to pay for the said yearly sums of principal and interest as they become due, which said sum, subject to the provisions of Section 31 of The Public Utilities Act, shall be levied and raised annually by a special rate sufficient therefor over and above all other rates on all the rateable property in the Municipality.

AND WHEREAS the passing of this By-law has been duly approved by The Ontario Municipal Board pursuant to the provisions of Section 70 of The Ontario Municipal Board Act, being 1937 Revised Statutes of Ontario, Chapter 60, and amendments thereto.

AND WHEREAS the amount of the whole rateable property of the City of Port Arthur according to the last Revised Assessment Roll is \$30,393,151.00, of which \$4,872,029.00 is wholly exempt from taxation, and \$1,027,420.00 is exempt except for school taxes and unemployment relief purposes.

AND WHEREAS the amount of the existing Debenture Debt of the Corporation (exclusive of Local Improvement Debts secured by special acts, rates and assessments) is \$4,205,022.31, and no part of the principal or interest is in arrears.

NOW THEREFORE the Council of the Corporation of the City of Port Arthur enacts as follows:

1. That the recommendation and request of The Public Utilities Commission recited in the premises hereof be approved and that the said Public Utilities Commission be and it is hereby authorized to proceed with the purchase and installation of an Automatic Telephone Switch-board and Dial Telephones and necessary Equipment in connection therewith at a cost not exceeding \$312,000.00, of which amount the sum of \$127,000.00 shall be provided by the said Public Utilities Commission and the balance, not exceeding the sum of \$185,000.00, shall be provided by the issue and sale of debentures as hereinafter set out.

2. That for the purpose aforesaid there shall be borrowed on the credit of the Corporation at large the sum of \$185,000.00 and debentures shall be issued therefor in sums of not less than \$100.00, each bearing interest at the rate of $3\frac{1}{2}\%$ per annum, and the said debentures shall have coupons attached thereto for payment of the interest semi-annually.

3. The said debentures shall all bear the same date and shall be issued within two years after the day on which this By-law shall come into force and effect, and may bear any date within such two years, and shall be payable within fifteen years, and the respective amounts of principal and interest payable in each of such years shall be as set forth in Schedule "A" hereto annexed.

4. The debentures as to both principal and interest shall be expressed in Canadian currency and may be payable at any place or places in Canada.

5. The interest on the said debentures shall be payable semi-annually in each year during the said fifteen years on such dates as the Council shall hereafter determine, and the said interest shall be payable at the Head Office of the Bank of Montreal in the City of Port Arthur, Montreal, Toronto, Winnipeg and Vancouver.

6. Each of the debentures shall be signed by the Mayor of the City or by some other person authorized by By-law to sign the same and by the Treasurer of the said City, and the Clerk shall attach thereto the Corporate Seal of the Corporation. The interest coupons shall be signed by the Treasurer of the Corporation and his signature thereto may be written, stamped, lithographed or engraved.

7. Subject only to the provisions of Section 31 of The Public Utilities Act, during fifteen years, the currency of the said debentures, there shall be levied and raised annually in respect thereof the sum of \$16,062.64 by special rates sufficient therefor over and above all other rates on all the rateable property in the City of Port Arthur at the same time and in the same manner as other rates.

8. The debentures may contain any clause providing for the registration thereof authorized by any Statute relating to Municipal debentures in force and effect at the time of the issue thereof.

9. This By-law shall not come into force and effect until validated and confirmed by a Special Act of the Legislative Assembly of the Province of Ontario.

ENACTED AND PASSED this day of A.D. 194 .

.....
Mayor.

.....
Clerk.

COUNCIL CHAMBERS,
PORT ARTHUR, ONTARIO.

Schedule "A"

BY-LAW No.

AMOUNT: \$185,000.00

AUTOMATIC TELEPHONE SWITCHBOARD
& EQUIPMENT

TERM: 15 Years

Due:

Interest: 3½%

No.	Year	Interest	Principal	Annual Payment	Balance
1.....	1941	\$6,475.00	\$ 9,587.64	\$16,062.64	\$175,412.36
2.....	1942	6,139.43	9,923.21	16,062.64	165,489.15
3.....	1943	5,792.12	10,270.52	16,062.64	155,218.63
4.....	1944	5,432.65	10,629.99	16,062.64	144,588.64
5.....	1945	5,060.60	11,002.04	16,062.64	133,586.60
6.....	1946	4,675.53	11,387.11	16,062.64	122,199.49
7.....	1947	4,276.98	11,785.66	16,062.64	110,413.83
8.....	1948	3,864.48	12,198.16	16,062.64	98,215.67
9.....	1949	3,437.55	12,625.09	16,062.64	85,590.58
10.....	1950	2,995.67	13,066.97	16,062.64	72,523.61
11.....	1951	2,538.34	13,524.30	16,062.64	58,999.31
12.....	1952	2,064.99	13,997.65	16,062.64	45,001.66
13.....	1953	1,575.07	14,487.57	16,062.64	30,514.09
14.....	1954	1,068.00	14,994.64	16,062.64	15,519.45
15.....	1955	543.19	15,519.45	16,062.64	.....

 \$185,000.00

BILL

An Act respecting the City of Port Arthur
and the Public Utilities Commission
of Port Arthur.

1st Reading

2nd Reading

3rd Reading

Mr. Cox

(*Private Bill*)

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act respecting the City of Port Arthur and the Public Utilities
Commission of Port Arthur.

MR. COX

BILL

An Act respecting the City of Port Arthur and the Public Utilities Commission of Port Arthur.

Preamble.

WHEREAS the Corporation of the City of Port Arthur and the Public Utilities Commission of the City of Port Arthur have by their petition represented that the said Commission has recommended the installation of an automatic dial telephone system at an estimated cost of \$312,000, of which, subject to the approval of the Ontario Municipal Board, the sum of \$127,000 shall be provided by the said Commission from its depreciation fund as hereinafter mentioned and the remainder, \$185,000, shall be borrowed upon debentures of the said Corporation; and whereas the council of the said Corporation did on the 6th day of January, 1941, submit to the electors of the City of Port Arthur, qualified to vote on money by-laws, a proposed by-law, set out in the Schedule hereto, which received the assent of such electors, 1,764 having voted in favour and 1,071 against the said proposed by-law; and whereas the said Corporation and the said Commission have prayed for special legislation in respect of such matters; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Depreciation fund.

Rev. Stat.,
c. 261.

1. Notwithstanding the provisions of *The Telephone Act*, the Public Utilities Commission of the City of Port Arthur shall have power to establish and may provide and maintain a depreciation fund within the meaning of section 108 of *The Telephone Act* and may, out of its accumulated surplus, pay into such depreciation fund a sum not exceeding \$127,000 and may, from time to time, subject to the approval of the Ontario Municipal Board, expend such depreciation fund or such portions thereof as may be necessary or expedient for the purposes set out in the said proposed by-law, or otherwise for the purposes mentioned in section 109 of *The Telephone Act*.

2. Subject to the approval of the Ontario Municipal Board, the Public Utilities Commission of the City of Port Arthur shall have power to and may purchase and install an automatic telephone switchboard, dial telephones and such equipment as is necessary in connection therewith. ^{Power to instal automatic telephones.}

3. The council of the Corporation of the City of Port Arthur may, with the approval of the Ontario Municipal Board, pass the said proposed by-law set out in the Schedule hereto and notwithstanding the provisions of paragraph 9 thereof the said proposed by-law shall come into force and effect when so approved and passed and thereupon such by-law shall be legal, valid and binding upon the Corporation of the City of Port Arthur and the ratepayers thereof. ^{By-law validated.}

4. Notwithstanding the form of the schedule to the said proposed by-law, the debentures to which such schedule refers may be issued in accordance with subsection 8 of section 305 of *The Municipal Act* at any time within two years after the passing of the said proposed by-law, or at any time after the expiration of the said two years in accordance with subsection 11 of section 305 of *The Municipal Act*. ^{Debentures, issue of.}

5. This Act shall come into force on the day upon which it receives the Royal Assent. ^{Rev. Stat., c. 266.}

6. This Act may be cited as *The City of Port Arthur Act*, 1941. ^{Commence-ment of Act.}

SCHEDULE

CITY OF PORT ARTHUR

BY-LAW NUMBER

A by-law to provide for borrowing \$185,000.00 upon debentures to pay a part of the cost of purchasing and installing an Automatic Telephone Switchboard and Dial Telephones and necessary Equipment in connection therewith.

WHEREAS The Public Utilities Commission of the City of Port Arthur has recommended to the Council of the City of Port Arthur that it is advisable to purchase and install an Automatic Telephone Switchboard and Dial Telephones and necessary Equipment in connection therewith, and has requested the Council to provide a portion of the cost thereof by the issue and sale of debentures as hereinafter mentioned.

AND WHEREAS the estimated cost is the sum of \$312,000.00, of which sum, if this By-law is assented to by the electors qualified to vote on money by-laws and validated and confirmed by the Legislative Assembly of the Province of Ontario, the said The Public Utilities Commission of the City of Port Arthur can provide the sum of \$127,000.00, and the balance of the cost, amounting to \$185,000.00, will require to be raised by the issue and sale of debentures.

AND WHEREAS the Council deems it advisable and expedient, if this By-law shall be validated and confirmed by the Legislative Assembly of the Province of Ontario, to issue debentures in the sum of \$185,000.00 to provide the balance of the monies for the purposes aforesaid.

AND WHEREAS it is necessary to borrow the said sum of \$185,000.00 on the credit of the Corporation, which is the amount of the debt intended to be created by this By-law, and to issue debentures therefor payable within fifteen years from the time of the issuing thereof and bearing interest at the rate of $3\frac{1}{2}\%$ per annum.

AND WHEREAS it is desirable to issue the debentures at one time and to make the principal of the said debt payable by yearly sums during the period of 15 years, being the currency of the said debentures, said yearly sums being of such respective amounts that the aggregate amount payable in each year for principal and interest in respect of the said debt shall be as nearly as possible equal to the amount so payable in each of the said 15 years of the said period as shown in Schedule "A" hereto attached.

AND WHEREAS it will be necessary to raise annually the sum of \$16,062.64 during the period of 15 years to pay for the said yearly sums of principal and interest as they become due, which said sum, subject to the provisions of Section 31 of The Public Utilities Act, shall be levied and raised annually by a special rate sufficient therefor over and above all other rates on all the rateable property in the Municipality.

AND WHEREAS the passing of this By-law has been duly approved by The Ontario Municipal Board pursuant to the provisions of Section 70 of The Ontario Municipal Board Act, being 1937 Revised Statutes, of Ontario, Chapter 60, and amendments thereto.

AND WHEREAS the amount of the whole rateable property of the City of Port Arthur according to the last Revised Assessment Roll is \$30,393,151.00, of which \$4,872,029.00 is wholly exempt from taxation, and \$1,027,420.00 is exempt except for school taxes and unemployment relief purposes.

AND WHEREAS the amount of the existing Debenture Debt of the Corporation (exclusive of Local Improvement Debts secured by special acts, rates and assessments) is \$4,205,022.31, and no part of the principal or interest is in arrears.

NOW THEREFORE the Council of the Corporation of the City of Port Arthur enacts as follows:

1. That the recommendation and request of The Public Utilities Commission recited in the premises hereof be approved and that the said Public Utilities Commission be and it is hereby authorized to proceed with the purchase and installation of an Automatic Telephone Switch-board and Dial Telephones and necessary Equipment in connection therewith at a cost not exceeding \$312,000.00, of which amount the sum of \$127,000.00 shall be provided by the said Public Utilities Commission and the balance, not exceeding the sum of \$185,000.00, shall be provided by the issue and sale of debentures as hereinafter set out.

2. That for the purpose aforesaid there shall be borrowed on the credit of the Corporation at large the sum of \$185,000.00 and debentures shall be issued therefor in sums of not less than \$100.00, each bearing interest at the rate of $3\frac{1}{2}\%$ per annum, and the said debentures shall have coupons attached thereto for payment of the interest semi-annually.

3. The said debentures shall all bear the same date and shall be issued within two years after the day on which this By-law shall come into force and effect, and may bear any date within such two years, and shall be payable within fifteen years, and the respective amounts of principal and interest payable in each of such years shall be as set forth in Schedule "A" hereto annexed.

4. The debentures as to both principal and interest shall be expressed in Canadian currency and may be payable at any place or places in Canada.

5. The interest on the said debentures shall be payable semi-annually in each year during the said fifteen years on such dates as the Council shall hereafter determine, and the said interest shall be payable at the Head Office of the Bank of Montreal in the City of Port Arthur, Montreal, Toronto, Winnipeg and Vancouver.

6. Each of the debentures shall be signed by the Mayor of the City or by some other person authorized by By-law to sign the same and by the Treasurer of the said City, and the Clerk shall attach thereto the Corporate Seal of the Corporation. The interest coupons shall be signed by the Treasurer of the Corporation and his signature thereto may be written, stamped, lithographed or engraved.

7. Subject only to the provisions of Section 31 of The Public Utilities Act, during fifteen years, the currency of the said debentures, there shall be levied and raised annually in respect thereof the sum of \$16,062.64 by special rates sufficient therefor over and above all other rates on all the rateable property in the City of Port Arthur at the same time and in the same manner as other rates.

8. The debentures may contain any clause providing for the registration thereof authorized by any Statute relating to Municipal debentures in force and effect at the time of the issue thereof.

9. This By-law shall not come into force and effect until validated and confirmed by a Special Act of the Legislative Assembly of the Province of Ontario.

ENACTED AND PASSED this day of A.D. 194 .

.....
Mayor.

.....
Clerk.

COUNCIL CHAMBERS,
PORT ARTHUR, ONTARIO.

Schedule "A"

BY-LAW No.

AMOUNT: \$185,000.00

AUTOMATIC TELEPHONE SWITCHBOARD
& EQUIPMENT

TERM: 15 Years

Due:

Interest: 3½%

No.	Year	Interest	Principal	Annual Payment	Balance
1.....	1941	\$6,475.00	\$ 9,587.64	\$16,062.64	\$175,412.36
2.....	1942	6,139.43	9,923.21	16,062.64	165,489.15
3.....	1943	5,792.12	10,270.52	16,062.64	155,218.63
4.....	1944	5,432.65	10,629.99	16,062.64	144,588.64
5.....	1945	5,060.60	11,002.04	16,062.64	133,586.60
6.....	1946	4,675.53	11,387.11	16,062.64	122,199.49
7.....	1947	4,276.98	11,785.66	16,062.64	110,413.83
8.....	1948	3,864.48	12,198.16	16,062.64	98,215.67
9.....	1949	3,437.55	12,625.09	16,062.64	85,590.58
10.....	1950	2,995.67	13,066.97	16,062.64	72,523.61
11.....	1951	2,538.34	13,524.30	16,062.64	58,999.31
12.....	1952	2,064.99	13,997.65	16,062.64	45,001.66
13.....	1953	1,575.07	14,487.57	16,062.64	30,514.09
14.....	1954	1,068.00	14,994.64	16,062.64	15,519.45
15.....	1955	543.19	15,519.45	16,062.64	.....

 \$185,000.00

BILL

An Act respecting the City of Port Arthur
and the Public Utilities Commission
of Port Arthur.

1st Reading

March 5th, 1941

2nd Reading

March 17th, 1941

3rd Reading

March 25th, 1941

MR. COX

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act respecting the Township of West Gwillimbury.

MR. BAKER

(PRIVATE BILL)

No. 7

1941

BILL

An Act respecting the Township of West Gwillimbury.

Preamble.

WHEREAS the Corporation of the Township of West Gwillimbury has by its petition prayed for special legislation in respect of certain lands in the Township known as the Holland Marsh; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

By-laws
595A, 692
and 740
confirmed.

1. By-laws numbered 595A, 692 and 740 passed by the council of the Corporation of the Township of West Gwillimbury on the 30th day of May, 1925, the 31st day of August, 1935, and the 8th day of April, 1939, respectively, to provide for annual levies in respect of debentures issued for municipal drainage of lands situate in the said Township known as the Holland Marsh, are hereby confirmed and declared to be legal, valid and binding upon the said Corporation and the ratepayers thereof.

Adjustment
of taxes
confirmed.

2. All cancellations, adjustments and reductions of rates or taxes with respect of the lands set out in the Schedule hereto, made with the approval of the council of the said Corporation are hereby confirmed and declared to be legal, valid and binding.

Where lands
may be sold
for taxes.

Rev. Stat.,
cc. 272, 278.

3. Where the taxes on any of the lands set out in the Schedule hereto remain unpaid for three years preceding the 1st day of January in any year such lands may be sold for taxes in accordance with the provisions of *The Assessment Act* respecting the sale of lands for taxes notwithstanding any failure to comply with the provisions of the said Act, or *The Municipal Drainage Act*, prior to the passing of this Act; provided however that in no case shall any of the said lands be sold or offered for sale for taxes within six months from the day upon which this Act receives the Royal Assent.

Short title.

4. This Act may be cited as *The Township of West Gwillimbury Act, 1941*.

SCHEDULE

CORPORATION OF THE TOWNSHIP OF WEST GWILLIMBURY, ONTARIO

SCHEDULE OF AMENDED TAX ARREARS ON LANDS IN
HOLLAND MARSH DRAINAGE AREA
(as at December 31st, 1939)

Lands in the Township of West Gwillimbury known as the
Holland Marsh and lying between the Holland Marsh
Drainage Canal and the boundary between the Township of
West Gwillimbury and the Township of King.

CONCESSION 1—

	1939		1938		1937		1936	
	Tax	Penalty	Tax	Penalty	Tax	Penalty	Tax	Penalty
Lot 4, southerly 64 acres.....	175.08	3.51	159.82	12.79	162.33	22.73	167.12	33.42
Lot 4, excepting southerly 64 acres.....	250.28	5.00	225.48	18.04	230.17	32.22	236.79	47.36
Lot 5.....	353.32	7.07	318.29	25.47	324.92	45.49	334.26	66.85
Lot 6.....	240.28	4.81	216.48	17.32	220.99	30.94	227.34	45.47
Lot 7.....	16.98	.34	15.29	1.22	15.61	2.19	16.06	3.21

CONCESSION 2—

	1939		1938		1937		1936	
	Tax	Penalty	Tax	Penalty	Tax	Penalty	Tax	Penalty
Lot 6, that part thereof more particularly described in registered instrument No. 6279.....	310.32	6.21	279.58	22.37	285.39	39.95	293.59	58.72
Lot 9.....	221.58	4.43	200.14	16.01	204.32	28.60	209.89	41.98
Lot 10.....	103.78	2.08	93.75	7.50	95.72	13.40	98.34	19.67
Lot 11.....	26.04	.52	23.52	1.88	24.01	3.36	24.66	4.93

CONCESSION 3—

	1939		1938		1937		1936	
	Tax	Penalty	Tax	Penalty	Tax	Penalty	Tax	Penalty
Lot 11, that part thereof more particularly described in registered instrument No. 6484.....	452.65	9.05	401.13	32.09	409.47	57.33	420.57	84.11
Lot 14.....	163.46	3.27	147.65	11.81	150.74	21.10	154.84	30.97
Lot A.....	103.78	2.08	93.75	7.50	95.72	13.40	98.34	19.67

CONCESSION 4—

	1939		1938		1937		1936	
	Tax	Penalty	Tax	Penalty	Tax	Penalty	Tax	Penalty
Lot 14, south half.....	272.47	5.45	235.52	18.84	240.43	33.66	246.99 ^a	49.40
Lot 15, south half.....	235.23	4.70	210.05	16.80	214.44	30.02	220.28	44.06
Lot 16.....	67.58	1.35	60.21	4.82	61.47	8.61	63.17	12.63

CONCESSION 5—

Lot 16.....	7.11	315.76	25.26	322.22	45.11	330.81	66.16
Lot 17.....	4.04	175.21	14.02	178.88	25.04	183.78	36.76

CONCESSION 2—

Lot 4, that part of West Half south and east of Canal.....	108.17	2.16	2.12*	6.97*		1.20*	
Lot 4, that part of East Half south and east of Canal.....	120.44	2.41	18.50	11.62*		2.01*	
Lot 5, that part south and east of Canal.....	17.51		11.43*	37.38*		6.49*	
Lot 6, except part thereof described in registered instrument No. 6279.....	5.28		3.47*	11.76*		3.19*	
Lot 7, that part south and east of Canal.....	17.43		11.40*	37.23*		6.47*	

CONCESSIONS 2 AND 3—

Easterly 135' 9½" Lot 8, Concession 2, and easterly 135' 9½" Lot 8, Concession 3, south and east of Canal.....	3.23		1.00*	3.26*		.57*	
Westerly 135' 9½" of easterly 271' 7" Lot 8, Concession 2, and westerly 135' 9½" of easterly 271' 7" Lot 8, Concession 3, south and east of Canal.....	3.01		.93*	3.03*		.53*	
Westerly 148' of easterly 419' 7" Lot 8, Concession 2, and westerly 148' of easterly 419' 7" Lot 8, Concession 3, south and east of Canal.....	3.18		.98*	3.21*		.56*	
Westerly 152' of easterly 571' 7" Lot 8, Concession 2, and westerly 152' of easterly 571' 7" Lot 8, Concession 3, south and east of Canal.....	16.98	.34	.91*	2.98*		.52*	
Westerly 150' 6" of easterly 722' 1" Lot 8, Concession 2, and westerly 150' 6" of easterly 722' 1" Lot 8, Concession 3, south and east of Canal.....	2.50		.77*	2.53*		.44*	
Westerly 137' of easterly 859' 1" Lot 8, Concession 2, and westerly 137' of easterly 859' 1" Lot 8, Concession 3, south and east of Canal.....	1.58		.75*	2.46*		.42*	
Westerly 133' 6" of easterly 992' 7" Lot 8, Concession 2, and westerly 133' 6" of easterly 992' 7" Lot 8, Concession 3, south and east of Canal.....	2.47		.76*	2.48*		.43*	
Westerly 132' of easterly 1,124' 7" Lot 8, Concession 2, and westerly 132' of easterly 1,124' 7" Lot 8, Concession 3, south and east of Canal.....	2.59		.80*	2.61*		.45*	

SCHEDULE—Continued

CORPORATION OF THE TOWNSHIP OF WEST GWILLIMBURY, ONTARIO

SCHEDULE OF AMENDED TAX ARREARS ON LANDS IN
HOLLAND MARSH DRAINAGE AREA
(as at December 31st, 1939)

Lands in the Township of West Gwillimbury known as the
Holland Marsh and lying between the Holland Marsh
Drainage Canal and the boundary between the Township of
West Gwillimbury and the Township of King.

Westerly 140' of easterly 1,264' 7" Lot 8, Concession 2, and
westerly 140' of easterly 1,264' 7" Lot 8, Concession 3, south
and east of Canal.
Westerly 137' of easterly 1,401' 7" Lot 8, Concession 2.
Westerly 146' 10" of easterly 1,548' 5" Lot 8, Concession 2.
Westerly 146' 10" of easterly 1,695' 3" Lot 8, Concession 2.
Westerly 312' 5" Lot 8, Concession 2.

CONCESSION 3—

Lot 9, that part south and east of Canal.
Lot 10, south half.
Lot 10, that prt of north half south and east of Canal.
Lots 12 and 13, those parts more particularly described in regis-
tered instrument No. 8929.
Lots 12 and 13, excepting parts thereof more particularly de-
scribed in registered instrument No. 8929.

CONCESSION 4—

Lots 11 and 12, those parts south and east of drainage Canal.
Lot 13, south and east of Canal, subdivided into Plan 836:
Lot 1 of Plan 836.
Lot 5 of Plan 836.
Lot 6 of Plan 836.
All lots on Plan 836 excepting Lots 1, 5 and 6.

	1939		1938		1937		1936	
	Tax	Penalty	Tax	Penalty	Tax	Penalty	Tax	Penalty
	\$	\$	\$	\$	\$	\$	\$	\$
	2.68		.83*		2.70*		.47*	
	2.30		.71*		2.31*		.40*	
	2.57		.79*		2.58*		.45*	
	2.44		.75*		2.46*		.42*	
	14.05*		1.43*		4.68*		.81*	
	11.75		7.68*		25.08*		4.35*	
	205.64	4.11	13.00*		42.45*		7.37*	
	176.97	3.54	.70*		2.32*		.40*	
	17.55							
	433.15	8.66						
	35.13		22.97*		75.02*		13.02*	
	15.82	.32	.86*		2.80*		.49*	
	.96		.63*		2.08*		.36*	
	.96		.63*		2.08*		.36*	
	296.94	5.94	20.43*		66.65*		11.57*	

Lot 14, north half:				
Easterly 3.98 acres.....	13	.43*	1.41*	.26*
Westerly 5 acres of easterly 8.98 acres.....	14.00	.64*	2.08*	.37*
Westerly 5 acres of easterly 13.98 acres.....	.96	.64*	2.08*	.37*
Westerly 6.99 acres of easterly 20.97 acres.....	19.61	.89*	2.91*	.50*
Westerly 6.99 acres of easterly 27.96 acres.....	19.61	.89*	2.91*	.50*
Westerly 6.99 acres of easterly 34.95 acres.....	1.37	.89*	2.91*	.50*
Westerly 6.99 acres of easterly 41.94 acres.....	1.37	.89*	2.91*	.50*
Westerly 6.99 acres of easterly 48.93 acres.....	1.37	.89*	2.91*	.50*
Westerly 6.99 acres of easterly 55.92 acres.....	19.61	.89*	2.91*	.50*
Westerly 13.99 acres of easterly 66.91 acres.....	39.24	1.78*	5.81*	1.01*
Westerly 7 acres of easterly 76.91 acres.....	19.61	.89*	2.91*	.50*
Westerly 6.99 acres of easterly 83.90 acres.....	20.61	.64*	2.08*	.37*
Westerly 7 acres of easterly 90.90 acres.....	23.62	.47	.89*	.50*
Westerly 6.99 acres of easterly 97.89 acres.....	19.61	.39	2.91*	.50*
Westerly 8.92 acres of north half Lot 14.....	26.41	.53	3.71*	.65*
Lot 15, north half, subdivided into Plan 827:				
North quarter Lot 1, Plan 827.....	.95	.64*	2.09*	.36*
South half of north half Lot 1, Plan 827.....	.95	.64*	2.09*	.36*
North half of south half Lot 1, Plan 827.....	.95	.64*	2.09*	.36*
South quarter Lot 1, Plan 827.....	.95	.64*	2.09*	.36*
Lot 2, Plan 827.....	.95	.64*	2.09*	.36*
Lot 3, Plan 827.....	.95	.64*	2.09*	.36*
Lot 4, Plan 827.....	.95	.64*	2.09*	.36*
Lot 5, Plan 827.....	1.93	1.27*	4.15*	.72*
Lot 7, Plan 827.....	7.47	.64*	2.08*	.36*
All Lots on Plan 827 excepting Lots 1 to 5, inclusive, and Lot 7.....	9.88	6.34*	20.76*	3.61*
CONCESSION 5—				
Lot 14, that part south and east of Canal.....	115.29	1.37*	4.49*	.79*
Lot 15, that part south and east of Canal.....	82.77	1.66	16.28*	2.82*

*Asterisk where shown after amounts indicates Credit Balance.

BILL

An Act respecting the Township of
West Gwillimbury.

1st Reading

2nd Reading

3rd Reading

MR. BAKER

(Private Bill)

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act respecting the Township of West Gwillimbury.

MR. BAKER

No. 7

1941

BILL

An Act respecting the Township of West Gwillimbury.

Preamble.

WHEREAS the Corporation of the Township of West Gwillimbury has by its petition prayed for special legislation in respect of certain lands in the Township known as the Holland Marsh; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

By-laws
595A, 692
and 740
confirmed.

1. By-laws numbered 595A, 692 and 740 passed by the council of the Corporation of the Township of West Gwillimbury on the 30th day of May, 1925, the 31st day of August, 1935, and the 8th day of April, 1939, respectively, to provide for annual levies in respect of debentures issued for municipal drainage of lands situate in the said Township known as the Holland Marsh, are hereby confirmed and declared to be legal, valid and binding upon the said Corporation and the ratepayers thereof.

Adjustment
of taxes
confirmed.

2. All cancellations, adjustments and reductions of rates or taxes with respect of the lands set out in the Schedule hereto, made with the approval of the council of the said Corporation are hereby confirmed and declared to be legal, valid and binding.

Where lands
may be sold
for taxes.

Rev. Stat.,
cc. 272, 278.

3. Where the taxes on any of the lands set out in the Schedule hereto remain unpaid for three years preceding the 1st day of January in any year such lands may be sold for taxes in accordance with the provisions of *The Assessment Act* respecting the sale of lands for taxes notwithstanding any failure to comply with the provisions of the said Act, or *The Municipal Drainage Act*, prior to the passing of this Act; provided however that in no case shall any of the said lands be sold or offered for sale for taxes within six months from the day upon which this Act receives the Royal Assent.

Short title.

4. This Act may be cited as *The Township of West Gwillimbury Act, 1941*.

SCHEDULE
CORPORATION OF THE TOWNSHIP OF WEST GWILLIMBURY, ONTARIO
SCHEDULE OF AMENDED TAX ARREARS ON LANDS IN
HOLLAND MARSH DRAINAGE AREA
(as at December 31st, 1939)

Lands in the Township of West Gwillimbury known as the Holland Marsh and lying between the Holland Marsh Drainage Canal and the boundary between the Township of West Gwillimbury and the Township of King.

	1939		1938		1937		1936	
	Tax	Penalty	Tax	Penalty	Tax	Penalty	Tax	Penalty
CONCESSION 1—								
Lot 4, southerly 64 acres.....	175.68	3.51	159.82	12.79	162.33	22.73	167.12	33.42
Lot 4, excepting southerly 64 acres.....	250.28	5.00	225.48	18.04	230.17	32.22	236.79	47.36
Lot 5.....	353.32	7.07	318.29	25.47	324.92	45.49	334.26	66.85
Lot 6.....	240.28	4.81	216.48	17.32	220.99	30.94	227.34	45.47
Lot 7.....	16.98	.34	15.29	1.22	15.61	2.19	16.06	3.21
CONCESSION 2—								
Lot 6, that part thereof more particularly described in registered instrument No. 6279.....	310.32	6.21	279.58	22.37	285.39	39.95	293.59	58.72
Lot 9.....	221.58	4.43	200.14	16.01	204.32	28.60	209.89	41.98
Lot 10.....	103.78	2.08	93.75	7.50	95.72	13.40	98.34	19.67
Lot 11.....	26.04	.52	23.52	1.88	24.01	3.36	24.66	4.93
CONCESSION 3—								
Lot 11, that part thereof more particularly described in registered instrument No. 6484.....	452.65	9.05	401.13	32.09	409.47	57.33	420.57	84.11
Lot 14.....	163.46	3.27	147.65	11.81	150.74	21.10	154.84	30.97
Lot A.....	103.78	2.08	93.75	7.50	95.72	13.40	98.34	19.67
CONCESSION 4—								
Lot 14, south half.....	272.47	5.45	235.52	18.84	240.43	33.66	246.99	49.40
Lot 15, south half.....	235.23	4.70	210.05	16.80	214.44	30.02	220.28	44.06
Lot 16.....	67.58	1.35	60.21	4.82	61.47	8.61	63.17	12.63

CONCESSION 5—

Lot 16.....	355.45	7.11	315.76	25.26	322.22	45.11	330.81	66.16
Lot 17.....	201.87	4.04	175.21	14.02	178.88	25.04	183.78	36.76

CONCESSION 2—

Lot 4, that part of West Half south and east of canal.....	108.17	2.16	2.12*		6.97*		1.20*	
Lot 4, that part of East Half south and east of Canal.....	120.44	2.41	18.50	.56	11.62*		2.01*	
Lot 5, that part south and east of Canal.....	17.51		11.43*		37.38*		6.49*	
Lot 6, except part thereof described in registered instrument No. 6279.....	5.28		3.47*		11.76*		3.19*	
Lot 7, that part south and east of Canal.....	17.43		11.40*		37.23*		6.47*	

CONCESSIONS 2 AND 3—

Easterly 135' 9½" Lot 8, Concession 2, and easterly 135' 9½" Lot 8, Concession 3, south and east of Canal.....	3.23		1.00*		3.26*		.57*	
Westerly 135' 9½" of easterly 271' 7" Lot 8, Concession 2, and westerly 135' 9½" of easterly 271' 7" Lot 8, Concession 3, south and east of Canal.....	3.01		.93*		3.03*		.53*	
Westerly 148' of easterly 419' 7" Lot 8, Concession 2, and westerly 148' of easterly 419' 7" Lot 8, Concession 3, south and east of canal.....	3.18		.98*		3.21*		.56*	
Westerly 152' of easterly 571' 7" Lot 8, Concession 2, and westerly 152' of easterly 571' 7" Lot 8, Concession 3, south and east of Canal.....	16.98	.34	.91*		2.98*		.52*	
Westerly 150' 6" of easterly 722' 1" Lot 8, Concession 2, and westerly 150' 6" of easterly 722' 1" Lot 8, Concession 3, south and east of Canal.....	2.50		.77*		2.53*		.44*	
Westerly 137' of easterly 859' 1" Lot 8, Concession 2, and westerly 137' of easterly 859' 1" Lot 8, Concession 3, south and east of Canal.....	1.58		.75*		2.46*		.42*	
Westerly 133' 6" of easterly 992' 7" Lot 8, Concession 2, and westerly 133' 6" of easterly 992' 7" Lot 8, Concession 3, south and east of Canal.....	2.47		.76*		2.48*		.43*	
Westerly 132' of easterly 1,124' 7" Lot 8, Concession 2, and westerly 132' of easterly 1,124' 7" Lot 8, Concession 3, south and east of Canal.....	2.59		.80*		2.61*		.45*	

SCHEDULE OF AMENDED TAX ARREARS ON LANDS IN
HOLLAND MARSH DRAINAGE AREA
(as at December 31st, 1939)

Lands in the Township of West Gwillimbury known as the
Holland Marsh and lying between the Holland Marsh
Drainage Canal and the boundary between the Township of
West Gwillimbury and the Township of King.

Westerly 140' of easterly 1,264' 7" Lot 8, Concession 2, and
westerly 140' of easterly 1,264' 7" Lot 8, Concession 3, south
and east of Canal.....
Westerly 137' of easterly 1,401' 7" Lot 8, Concession 2.....
Westerly 146' 10" of easterly 1,548' 5" Lot 8, Concession 2.....
Westerly 146' 10" of easterly 1,695' 3" Lot 8, Concession 2.....
Westerly 312' 5" Lot 8, Concession 2.....

CONCESSION 3—

Lot 9, that part south and east of Canal.....
Lot 10, south half.....
Lot 10, that prt of north half south and east of Canal.....
Lots 12 and 13, those parts more particularly described in regis-
tered instrument No. 8929.....
Lots 12 and 13, excepting parts thereof more particularly de-
scribed in registered instrument No. 8929.....

CONCESSION 4—

Lots 11 and 12, those parts south and east of drainage Canal...
Lot 13, south and east of Canal, subdivided into Plan 836:
Lot 1 of Plan 836.....
Lot 5 of Plan 836.....
Lot 6 of Plan 836.....
All lots on Plan 836 excepting Lots 1, 5 and 6.....

	1939		1938		1937		1936	
	Tax	Penalty	Tax	Penalty	Tax	Penalty	Tax	Penalty
	\$	\$	\$	\$	\$	\$	\$	\$
	2.68		.83*		2.70*		.47*	
	2.30		.71*		2.31*		.40*	
	2.57		.79*		2.58*		.45*	
	2.44		.75*		2.46*		.42*	
	14.05*		1.43*		4.68*		.81*	
	11.75		7.68*		25.08*		4.35*	
	205.64	4.11	13.00*		42.45*		7.37*	
	176.97	3.54	.70*		2.32*		.40*	
	17.55							
	433.15	8.66						
	35.13		22.97*		75.02*		13.02*	
	15.82	.32	.86*		2.80*		.49*	
	.96		.63*		2.08*		.36*	
	.96		.63*		2.08*		.36*	
	296.94	5.94	20.43*		66.65*		11.57*	

Lot 14, north half:

Easterly 3.98 acres.....	.13	.43*	1.41*	.26*
Westerly 5 acres of easterly 8.98 acres.....	14.00	.64*	2.08*	.37*
Westerly 5 acres of easterly 13.98 acres.....	.96	.64*	2.08*	.37*
Westerly 6.99 acres of easterly 20.97 acres.....	19.61	.89*	2.91*	.50*
Westerly 6.99 acres of easterly 27.96 acres.....	19.61	.89*	2.91*	.50*
Westerly 6.99 acres of easterly 34.95 acres.....	1.37	.89*	2.91*	.50*
Westerly 6.99 acres of easterly 41.94 acres.....	1.37	.89*	2.91*	.50*
Westerly 6.99 acres of easterly 48.93 acres.....	1.37	.89*	2.91*	.50*
Westerly 6.99 acres of easterly 55.92 acres.....	19.61	.89*	2.91*	.50*
Westerly 13.99 acres of easterly 66.91 acres.....	39.24	1.78*	5.81*	1.01*
Westerly 7 acres of easterly 76.91 acres.....	19.61	.89*	2.91*	.50*
Westerly 6.99 acres of easterly 83.90 acres.....	20.61	.64*	2.08*	.37*
Westerly 7 acres of easterly 90.90 acres.....	23.62	.89*	2.91*	.50*
Westerly 6.99 acres of easterly 97.89 acres.....	19.61	.89*	2.91*	.50*
Westerly 8.92 acres of north half Lot 14.....	26.41	1.14*	3.71*	.65*

Lot 15, north half, subdivided into Plan 827:

North quarter Lot 1, Plan 827.....	.95	.64*	2.09*	.36*
South half of north half Lot 1, Plan 827.....	.95	.64*	2.09*	.36*
North half of south half Lot 1, Plan 827.....	.95	.64*	2.09*	.36*
South quarter Lot 1, Plan 827.....	.95	.64*	2.09*	.36*
Lot 2, Plan 827.....	.95	.64*	2.09*	.36*
Lot 3, Plan 827.....	.95	.64*	2.09*	.36*
Lot 4, Plan 827.....	.95	.64*	2.09*	.36*
Lot 5, Plan 827.....	1.93	1.27*	4.15*	.72*
Lot 7, Plan 827.....	7.47	.64*	2.08*	.36*
All Lots on Plan 827 excepting Lots 1 to 5, inclusive, and Lot 7.....	9.88	6.34*	20.76*	3.61*

CONCESSION 5—

Lot 14, that part south and east of Canal.....	115.29	1.37*	4.49*	.79*
Lot 15, that part south and east of Canal.....	82.77	1.66	16.28*	2.82*

*Asterisk where shown after amounts indicates Credit Balance.

BILL

An Act respecting the Township of
West Gwillimbury.

1st Reading

February 25th, 1941

2nd Reading

March 10th, 1941

3rd Reading

March 13th, 1941

MR. BAKER

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act respecting the Village of Swansea.

MR. GARDHOUSE

(PRIVATE BILL)

BILL

An Act respecting the Village of Swansea.

Preamble.

WHEREAS the Corporation of the Village of Swansea, hereafter called "the Corporation", has by its petition prayed for special legislation in respect of the several matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

By-laws
Nos. 404,
814 and
829 vali-
dated.

1. By-law number 404 entitled a by-law "to compel the owners of private property to connect with the storm sewers" passed by the council of the Corporation on the 17th day of March, 1931, set out as Schedule A hereto; by-law number 814 entitled a by-law "to enforce installation of proper sanitary conveniences and the connection of such conveniences to sewers for buildings in the Village of Swansea" passed by the said council on the 3rd day of July, 1940, set out as Schedule B hereto, and by-law number 829 entitled a by-law "to provide for the payment of parking fines without the issue of summonses" passed by the said council on the 15th day of January, 1941, set out as Schedule C hereto, are hereby validated and confirmed and declared to be legal, valid and binding upon the Corporation of the Village of Swansea and the ratepayers thereof.

Toronto
Land Co.
Ltd. and
Excelsior
Land Co.
Ltd. agree-
ment vali-
dated.

2.—(1) The agreement made between the Corporation, the Toronto Land Corporation Limited and the Excelsior Land Company Limited, dated the 31st day of July, 1939, set out as Schedule D hereto is hereby validated and confirmed, and declared to be legal, valid and binding upon the parties thereto.

Other
lands not
affected.

(2) The said agreement and the doing of anything thereunder shall not affect the Corporation in its relation to lands and assessments other than those mentioned in the said agreement.

Application
of surplus
from pump-
ing station
debenture
monies.

3. Any surplus received from the sale of debentures issued and sold pursuant to by-law number 772 of the Corporation for borrowing \$12,800 by the issue of debentures for the purpose of constructing at the expense of the said Corporation a sewage pumping station at the westerly end of Brule Gardens and a cast-iron force main from the said pumping station north-easterly along Brule Gardens to Riverside Trail and easterly along Riverside Trail to a point where it connects with the Riverside Drive sewer over the actual cost of such work may be applied to the cost of any other work constructed or to be constructed at the expense of the Corporation.

Application
of surplus
debenture
monies,—
generally.

4. Any surplus which may have arisen or may arise from the sale of any debentures, other than public utility or school debentures, heretofore or hereafter issued by the Corporation, or which may remain after any such debentures have been fully paid, may be applied and used by the Corporation as a reserve for uncollectible taxes; but if such surplus is not required for such purpose, then such surplus may be applied and used as follows:

- (a) to meet the principal due from year to year or in any year upon the issue of debentures in respect of which such surplus arose; or
- (b) if not required for the purpose mentioned in clause *a*, to meet the principal due from year to year or in any year upon any other issue of debentures; or
- (c) if approved by the Ontario Municipal Board, for the purposes of the general funds of the Corporation; provided that where the surplus arises from debentures issued to provide moneys for local improvements and the levies and payments under such debentures have not been fully made the provisions of clause *a* shall apply.

Power to
pass by-laws
re drainmen.

5.—(1) The council of the Corporation may pass by-laws for defining, licensing, regulating and governing drainmen, and for revoking any such license.

- (a) The license fee shall not exceed \$10.

Idem.

Rev. Stat.,
c. 266.

(2) The provisions of *The Municipal Act* for enforcing by-laws shall apply to any by-law passed under the authority of this section.

Swansea
deemed a
town for
licensing
bill posters,
etc.
Rev. Stat.,
c. 266;
1938, c. 22.

6. For the purpose of section 429 of *The Municipal Act* as amended by section 10 of *The Municipal Amendment Act, 1938*, the Village of Swansea shall be deemed to be a town, and the said section shall apply to the said Village accordingly.

Sidewalks.
Rev. Stat.,
c. 269.

7. The Corporation, under *The Local Improvement Act*, either by petition or under section 8 thereof, may undertake the construction of a sidewalk on one side only of a street and may provide that the owners' share of the cost thereof be specially assessed against the lots fronting or abutting on both sides of such street, and if a sidewalk is thereafter constructed on the other side of such street the owners' portion of the cost shall be specially assessed in like manner.

Street
lighting.
Swansea
deemed a
town for
purpose of
Rev. Stat.,
c. 269, s. 2,
subs. 1,
cl. n.

8. For the purpose of clause *n* of subsection 1 of section 2 of *The Local Improvement Act*, the Village of Swansea shall be deemed to be a town and the said clause shall apply to the said Village accordingly.

Unclaimed
moneys.

9. Unclaimed moneys now or hereafter held by the treasurer of the Corporation arising from duplicate payments of taxes or from the sale of lands for arrears of taxes may, when such moneys have been so held for a period of at least six years, be used for the general purposes of the Corporation free from the claims of any person whatsoever.

Annual
allowance
to deputy-
reeve and
councillors.

10. The council of the Corporation may pass by-laws authorizing the payment of an annual allowance, in lieu of the fees provided by *The Municipal Act*, of a sum not exceeding \$400 to the deputy-reeve and not exceeding \$300 to each councillor.

Grants to
war
veterans
organiza-
tions.

11. The Corporation may make an annual grant to any war veterans' organization to apply on the whole or part of the general and school taxes levied against any property owned by such organization in the Village of Swansea and used by such organization as a club.

Commence-
ment of Act.

12. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

13. This Act may be cited as *The Village of Swansea Act, 1941*.

SCHEDULE A

A BY-LAW

No. 404

A By-law to compel the owners of private property to connect with the storm sewers.

WHEREAS the Corporation of the Village of Swansea have provided separate sewers for the purpose of carrying away rain water from the streets and dwellings of private owners adjoining the said streets;

AND WHEREAS it is expedient that all water falling on the roofs of private dwellings be conveyed to and emptied in the said sewers;

NOW THEREFORE the Council of the Corporation of the Village of Swansea hereby enacts as follows:

1. That all buildings any part of which is nearer than fifty feet to the street line shall be provided with proper and sufficient eave troughs and with the necessary down-pipes to carry the water falling on the roofs of the said buildings, and that the said downpipes be connected with the sewers provided by the Village of Swansea for storm and rain water.

2. That the said eave troughs and necessary down-pipes shall be provided for said buildings, and the necessary connections made with the storm sewers, for all existing dwellings, on or before the 1st day of October, 1931.

3. That all buildings, any part of which is nearer than fifty feet to the street line, hereinafter erected in the Village of Swansea, shall be provided with the necessary and sufficient eave-troughs and down-pipes to carry off the water falling on the roofs, and the said down-pipes shall be connected with the storm sewers on the street in front of the said dwellings.

4. That any person convicted of the breach of any of the provisions of this By-law shall forfeit and pay at the discretion of the convicting magistrate a penalty not exceeding (exclusive of costs), the sum of \$50.00 for each offence, and in default of payment of the said penalty and costs forthwith, the said penalty and costs, or costs only, may be levied by distress and sale of the goods and chattels of the offender, and in case of there being no distress found out of which the said penalty can be levied, the convicting magistrate may convict the offender to the common jail, with or without hard labor, for any period not exceeding twenty-one days, unless the said penalty and costs (if any), including the costs of the said distress, and of the committal and of the conveyance of the offender to the said jail, are sooner paid.

Read a first time this 3rd day of March, 1931.

Read a second and third time and passed this 17th day of March, 1931.

N. L. IVEY,
Clerk.

(Seal)

R. J. WALLACE,
Reeve.

SCHEDULE B

A BY-LAW

No. 814

To enforce installation of proper sanitary conveniences and the connection of such conveniences to sewers for buildings in the Village of Swansea.

WHEREAS in the interest of the public health it is deemed expedient to provide for the installation of sanitary conveniences and the proper connection of such sanitary conveniences to the common sewers of the Municipality.

NOW THEREFORE the Municipal Council of the Corporation of the Village of Swansea enacts as follows:

1. That, save as otherwise approved by Council, the owners of buildings on lands abutting on streets in which sanitary sewers have been installed shall, on receipt of one month's notice in writing from the Clerk, instal all sanitary conveniences which, in the opinion of the Medical Officer of Health, are necessary and shall connect such sanitary conveniences with the common sewers of the Municipality.

2. All privy-vaults, cesspools and septic tanks shall be dismantled and filled in, in a manner approved by the Medical Officer of Health, upon receipt of the notice as in section one provided.

3. That any person convicted of a breach of the provisions of this By-law shall forfeit and pay at the discretion of the convicting Magistrate a penalty not exceeding (exclusive of costs) the sum of (\$50.00) Fifty Dollars for each offence; and failure to comply with the by-law within two weeks following any conviction hereunder shall constitute a new offence.

4. This By-law shall take effect upon, from and after the 1st day of July, 1940.

ENACTED AND PASSED this 3rd day of July, A.D. 1940.

N. L. IVEY,
Clerk.

(Seal)

C. C. DOWNEY,
Reev.

SCHEDULE C

BY-LAW

No. 829

To provide for the payment of Parking Fines without the issue of summonses:

WHEREAS it is considered advisable that Parking Fines be collected when possible without recourse to court proceedings;

NOW THEREFORE the Council of the Corporation of the Village of Swansea enacts as follows:

1. That on vehicles whose owners are liable to be summoned for parking in an illegal manner or for parking in prohibited or restricted areas, the police constable finding same shall affix in a conspicuous place on the said vehicle, a tag notifying the owner (or driver) that if he attends at the Municipal Offices during business hours on the next following business day, and pays to the Corporation the sum of One Dollar (\$1.00) a summons under the Summary Convictions Act shall not be issued; and if said sum of One Dollar (\$1.00) be so paid said summons shall not be issued.

Enacted and Passed this 15th day of January, 1941.

N. L. IVEY,
Clerk.

(Seal)

C. C. DOWNEY,
Reeve.

SCHEDULE D

THIS AGREEMENT made at Toronto this 31st day of July, 1939.

BETWEEN:

THE MUNICIPAL CORPORATION OF THE VILLAGE OF SWANSEA, in the County of York, in the Province of Ontario, hereinafter called the Municipality,

OF THE FIRST PART,

—and—

THE TORONTO LAND CORPORATION LIMITED and THE EXCELSIOR LAND COMPANY LIMITED, both of the Township of Etobicoke, in the County of York, hereinafter called the Companies,

OF THE SECOND PART.

WHEREAS the Companies being in arrears for taxes on lands in the Municipality which they are unable to pay at the present time, have applied to the Municipality and The Department of Municipal Affairs for consideration in the matter. And whereas The Department of Municipal Affairs after a full discussion between representatives of the Municipality, the Companies, and the Township of Etobicoke where the Companies also have large holdings of lands in arrears of taxes, has recommended and advised that the parties enter into this Agreement as being considered in the best interests of all parties concerned.

NOW THIS INDENTURE WITNESSETH that in consideration of these presents and the sum of one dollar, now paid by each of the parties to the other of them, (the receipt whereof is hereby by each of them acknowledged) the parties do agree as follows:

1. The Companies covenant and agree to pay to the Municipality (in addition to any sums heretofore paid by them in the year 1939):

- (a) The sum of One Hundred and Seventy-nine Dollars and Eighty-seven cents (\$179.87) being the costs of the Municipality in connection with an abandoned tax sale of the Companies' lands;
- (b) A sum of not less than Six Thousand Dollars (\$6,000.00) to be paid by six post-dated cheques in the sum of One Thousand Dollars (\$1,000.00) each, payable on the 1st days of the months of July, August, September, October, November and December in the year 1939;
- (c) During each year for the next five years thereafter to pay the current year's taxes on lands owned by them within the Municipality, together with an amount sufficient to pay not less than one-fifth of the total arrears as of the end of the year 1939 together with penalties, to the intent and purpose that all arrears owing by the Companies will be paid in full by the end of the year 1944.

2. In case of sale or other disposition of any of the several parcels or lots of land of the Companies or either of them upon which any of the

said arrears of taxes, penalties and interest are owing, the Companies may require that a sufficient amount of the moneys to be paid under the terms of paragraph 1 hereof be applied in satisfaction of the said arrears, penalties, and interest owing upon the parcel or lot sold or disposed of so that the Companies or any person claiming under them or either of them may obtain title to such lands, free of any lien on the part of the Municipality for arrears of taxes, penalties and interest.

3. Except as provided in paragraph 2 hereof, the Municipality may at its discretion apply the aforesaid payments made pursuant to paragraph 1 hereof or any of them or any part thereof in or towards the satisfaction of the said arrears of taxes owing upon any of the several parcels or lots of land of the Companies.

4. The Municipality covenants and agrees that until default by the Companies under this Agreement is made and then not until it has given both the Companies and The Department of Municipal Affairs at least one month's notice in writing, it will not place the said lands in the lists for sale for arrears of taxes nor issue any writ or other process against the said Companies or either of them or their property in respect to the matters herein involved.

5. This Agreement is entered into by the Municipality on the clear understanding and the undertaking that The Department of Municipal Affairs will secure validation of this agreement and of all the Municipality's acts in respect hereto, and that neither this Agreement nor anything done by the Municipality in respect thereto shall be deemed to deprive the Municipality of any of its powers or rights under The Assessment Act in case of any default by the Companies hereunder. Provided, however, that this agreement shall be valid and binding in so far as the law allows until the end of the next regular session of the Legislature of Ontario, in any event.

6. Any actions or dealings of the Companies which may reasonably be interpreted by the Municipality and The Department of Municipal Affairs as an effort by the Companies to gain an advantage over the Municipality and to jeopardize the interests of the Municipality shall be taken to be a default by the Companies under this Agreement.

7. Action on any default shall be at the option of the Municipality and no neglect by the Municipality to act on the occurrence of any default shall affect the right of the Municipality to act on a subsequent default.

8. In view of the withdrawal by the Municipality, at the request of the Companies and The Department of Municipal Affairs, of the Companies' lands from the tax sale held by the Municipality on the 10th day of May, 1939, and from the adjourned tax sale held by the Municipality on the 2nd day of June, 1939, this Agreement is to be retroactive and shall take effect as and from the 1st day of May, 1939.

9. This Agreement shall enure to the benefit of and be binding upon the parties hereto, their successors and assigns; provided that it shall not extend to purchasers of land from the Companies, but in the event of any of such purchasers paying taxes or arrears of taxes to be paid by the Companies under paragraph 1 hereof on any lot or parcel of land so purchased, payments made by such purchasers shall be counted as part of the sums to be paid by the Companies hereunder.

IN WITNESS WHEREOF the parties have hereunto affixed their corporate seals.

Sealed and delivered, and countersigned respectively by the Reeve and Treasurer of the Municipality, and by the President and Secretaries of the Companies.

In the Presence of:

(Seal)

J. SOMMERVILLE.

THE CORPORATION OF THE VILLAGE
OF SWANSEA,

"C. C. DOWNEY,"

Reeve.

"N. L. IVEY,"

Clerk & Treasurer.

(Seal)

F. A. ATKINSON.

THE TORONTO LAND CORPORATION
LIMITED,

"GODFREY PETTIT,"

President.

"H. H. JOHNSTON,"

Secretary.

(Seal)

THE EXCELSIOR LAND COMPANY,
LIMITED,

"GODFREY PETTIT,"

President.

"F. A. ATKINS,"

Secretary.



BILL

An Act respecting the Village of Swansea.

1st Reading

2nd Reading

3rd Reading

MR. GARDHOUSE

(Private Bill)

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act respecting the Village of Swansea.

MR. GARDHOUSE

(PRIVATE BILL)

BILL

An Act respecting the Village of Swansea.

Preamble.

WHEREAS the Corporation of the Village of Swansea, hereafter called "the Corporation", has by its petition prayed for special legislation in respect of the several matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Toronto
Land Co.
Ltd. and
Excelsior
Land Co.
Ltd. agree-
ment vali-
dated.

1.—(1) The agreement made between the Corporation, the Toronto Land Corporation Limited and the Excelsior Land Company Limited, dated the 31st day of July, 1939, set out as the Schedule hereto is hereby validated and confirmed, and declared to be legal, valid and binding upon the parties thereto.

Other
lands not
affected.

(2) The said agreement and the doing of anything thereunder shall not affect the Corporation in its relation to lands and assessments other than those mentioned in the said agreement.

Application
of surplus
from pump-
ing station
debenture
monies.

2. Any surplus received from the sale of debentures issued and sold pursuant to by-law number 772 of the Corporation for borrowing \$12,800 by the issue of debentures for the purpose of constructing at the expense of the said Corporation a sewage pumping station at the westerly end of Brule Gardens and a cast-iron force main from the said pumping station north-easterly along Brule Gardens to Riverside Trail and easterly along Riverside Trail to a point where it connects with the Riverside Drive sewer over the actual cost of such work may be applied to the cost of any other work constructed or to be constructed at the expense of the Corporation.

Application
of surplus
debenture
monies,—
generally.

3. Any surplus which may have arisen or may arise from the sale of any debentures, other than public utility or school debentures, heretofore or hereafter issued by the Corporation, or which may remain after any such debentures have been fully paid, may be applied and used by the Corporation as a

reserve for uncollectible taxes; but if such surplus is not required for such purpose, then such surplus may be applied and used as follows:

- (a) to meet the principal due from year to year or in any year upon the issue of debentures in respect of which such surplus arose; or
- (b) if not required for the purpose mentioned in clause a, to meet the principal due from year to year or in any year upon any other issue of debentures; or
- (c) if approved by the Ontario Municipal Board, for the purposes of the general funds of the Corporation; provided that where the surplus arises from debentures issued to provide moneys for local improvements and the levies and payments under such debentures have not been fully made the provisions of clause a shall apply.

Power to
pass by-laws
re drainmen.

4.—(1) The council of the Corporation may pass by-laws for defining, licensing, regulating and governing drainmen, and for revoking any such license.

(a) The license fee shall not exceed \$10.

Idem.

Rev. Stat.,
c. 266.

(2) The provisions of *The Municipal Act* for enforcing by-laws shall apply to any by-law passed under the authority of this section.

Swansea
deemed a
town for
licensing
bill posters,
etc.
Rev. Stat.,
c. 266;
1938, c. 22.

5. For the purpose of section 429 of *The Municipal Act* as amended by section 10 of *The Municipal Amendment Act, 1938*, the Village of Swansea shall be deemed to be a town, and the said section shall apply to the said Village accordingly.

Sidewalks.

Rev. Stat.,
c. 269.

6. The Corporation, under *The Local Improvement Act*, either by petition of all persons to be assessed therefor or with the approval of the Ontario Municipal Board under section 8 thereof, may undertake the construction of a sidewalk on one side only of a street and may provide that the owners' share of the cost thereof be specially assessed against the lots fronting or abutting on both sides of such street, and if a sidewalk is thereafter constructed on the other side of such street the owners' portion of the cost shall be specially assessed in like manner.

Street
lighting.
Swansea
deemed a
town for
purpose of
Rev. Stat.,
c. 269, s. 2,
subs. 1,
cl. n.

7. For the purpose of clause n of subsection 1 of section 2 of *The Local Improvement Act*, the Village of Swansea shall be deemed to be a town and the said clause shall apply to the said Village accordingly.

Unclaimed
moneys.

8. Unclaimed moneys now or hereafter held by the treasurer of the Corporation arising from duplicate payments of taxes or from the sale of lands for arrears of taxes may, when such moneys have been so held for a period of at least six years, be used for the general purposes of the Corporation free from the claims of any person whatsoever.

Annual
allowance
to deputy-
reeve and
councillors.

9. The council of the Corporation may, subject to the approval of the Ontario Municipal Board, pass by-laws authorizing the payment of an annual allowance, in lieu of the fees provided by *The Municipal Act*, of a sum not exceeding \$400 to the deputy-reeve and not exceeding \$300 to each councillor.

Commence-
ment of Act.

10. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

11. This Act may be cited as *The Village of Swansea Act, 1941*.

SCHEDULE

THIS AGREEMENT made at Toronto this 31st day of July, 1939.

BETWEEN:

THE MUNICIPAL CORPORATION OF THE VILLAGE OF
SWANSEA, in the County of York, in the Province of
Ontario, hereinafter called the Municipality,

OF THE FIRST PART,

—and—

THE TORONTO LAND CORPORATION LIMITED and THE
EXCELSIOR LAND COMPANY LIMITED, both of the Town-
ship of Etobicoke, in the County of York, hereinafter
called the Companies,

OF THE SECOND PART.

WHEREAS the Companies being in arrears for taxes on lands in the Municipality which they are unable to pay at the present time, have applied to the Municipality and The Department of Municipal Affairs for consideration in the matter. And whereas The Department of Municipal Affairs after a full discussion between representatives of the Municipality, the Companies, and the Township of Etobicoke where the Companies also have large holdings of lands in arrears of taxes, has recommended and advised that the parties enter into this Agreement as being considered in the best interests of all parties concerned.

NOW THIS INDENTURE WITNESSETH that in consideration of these presents and the sum of one dollar, now paid by each of the parties to the other of them, (the receipt whereof is hereby by each of them acknowledged) the parties do agree as follows:

1. The Companies covenant and agree to pay to the Municipality (in addition to any sums heretofore paid by them in the year 1939):

- (a) The sum of One Hundred and Seventy-nine Dollars and Eighty-seven cents (\$179.87) being the costs of the Municipality in connection with an abandoned tax sale of the Companies' lands;
- (b) A sum of not less than Six Thousand Dollars (\$6,000.00) to be paid by six post-dated cheques in the sum of One Thousand Dollars (\$1,000.00) each, payable on the 1st days of the months of July, August, September, October, November and December in the year 1939;
- (c) During each year for the next five years thereafter to pay the current year's taxes on lands owned by them within the Municipality, together with an amount sufficient to pay not less than one-fifth of the total arrears as of the end of the year 1939 together with penalties, to the intent and purpose that all arrears owing by the Companies will be paid in full by the end of the year 1944.

2. In case of sale or other disposition of any of the several parcels or lots of land of the Companies or either of them upon which any of the

said arrears of taxes, penalties and interest are owing, the Companies may require that a sufficient amount of the moneys to be paid under the terms of paragraph 1 hereof be applied in satisfaction of the said arrears, penalties, and interest owing upon the parcel or lot sold or disposed of so that the Companies or any person claiming under them or either of them may obtain title to such lands, free of any lien on the part of the Municipality for arrears of taxes, penalties and interest.

3. Except as provided in paragraph 2 hereof, the Municipality may at its discretion apply the aforesaid payments made pursuant to paragraph 1 hereof or any of them or any part thereof in or towards the satisfaction of the said arrears of taxes owing upon any of the several parcels or lots of land of the Companies.

4. The Municipality covenants and agrees that until default by the Companies under this Agreement is made and then not until it has given both the Companies and The Department of Municipal Affairs at least one month's notice in writing, it will not place the said lands in the lists for sale for arrears of taxes nor issue any writ or other process against the said Companies or either of them or their property in respect to the matters herein involved.

5. This Agreement is entered into by the Municipality on the clear understanding and the undertaking that The Department of Municipal Affairs will secure validation of this agreement and of all the Municipality's acts in respect hereto, and that neither this Agreement nor anything done by the Municipality in respect thereto shall be deemed to deprive the Municipality of any of its powers or rights under The Assessment Act in case of any default by the Companies hereunder. Provided, however, that this agreement shall be valid and binding in so far as the law allows until the end of the next regular session of the Legislature of Ontario, in any event.

6. Any actions or dealings of the Companies which may reasonably be interpreted by the Municipality and The Department of Municipal Affairs as an effort by the Companies to gain an advantage over the Municipality and to jeopardize the interests of the Municipality shall be taken to be a default by the Companies under this Agreement.

7. Action on any default shall be at the option of the Municipality and no neglect by the Municipality to act on the occurrence of any default shall affect the right of the Municipality to act on a subsequent default.

8. In view of the withdrawal by the Municipality, at the request of the Companies and The Department of Municipal Affairs, of the Companies' lands from the tax sale held by the Municipality on the 10th day of May, 1939, and from the adjourned tax sale held by the Municipality on the 2nd day of June, 1939, this Agreement is to be retroactive and shall take effect as and from the 1st day of May, 1939.

9. This Agreement shall enure to the benefit of and be binding upon the parties hereto, their successors and assigns; provided that it shall not extend to purchasers of land from the Companies, but in the event of any of such purchasers paying taxes or arrears of taxes to be paid by the Companies under paragraph 1 hereof on any lot or parcel of land so purchased, payments made by such purchasers shall be counted as part of the sums to be paid by the Companies hereunder.

IN WITNESS WHEREOF the parties have hereunto affixed their corporate seals.

Sealed and delivered, and countersigned respectively by the Reeve and Treasurer of the Municipality, and by the President and Secretaries of the Companies.

In the Presence of:

(Seal)

J. SOMMERVILLE.

THE CORPORATION OF THE VILLAGE
OF SWANSEA,
"C. C. DOWNEY,"
Reeve.
"N. L. IVEY,"
Clerk & Treasurer.

(Seal)

F. A. ATKINSON.

THE TORONTO LAND CORPORATION
LIMITED,

"GODFREY PETTIT,"
President.
"H. H. JOHNSTON,"
Secretary.

(Seal)

THE EXCELSIOR LAND COMPANY,
LIMITED,

"GODFREY PETTIT,"
President.
"F. A. ATKINS,"
Secretary.

BILL

An Act respecting the Village of Swansea.

1st Reading

March 5th, 1941

2nd Reading

3rd Reading

MR. GARDHOUSE

*(Reprinted as amended by the Committee on
Private Bills.)*

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act respecting the Village of Swansea.

MR. GARDHOUSE

BILL

An Act respecting the Village of Swansea.

Preamble.

WHEREAS the Corporation of the Village of Swansea, hereafter called "the Corporation", has by its petition prayed for special legislation in respect of the several matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Toronto
Land Co.
Ltd. and
Excelsior
Land Co.
Ltd. agree-
ment vali-
dated.

1.—(1) The agreement made between the Corporation, the Toronto Land Corporation Limited and the Excelsior Land Company Limited, dated the 31st day of July, 1939, set out as the Schedule hereto is hereby validated and confirmed, and declared to be legal, valid and binding upon the parties thereto.

Other
lands not
affected.

(2) The said agreement and the doing of anything thereunder shall not affect the Corporation in its relation to lands and assessments other than those mentioned in the said agreement.

Application
of surplus
from pump-
ing station
debenture
monies.

2. Any surplus received from the sale of debentures issued and sold pursuant to by-law number 772 of the Corporation for borrowing \$12,800 by the issue of debentures for the purpose of constructing at the expense of the said Corporation a sewage pumping station at the westerly end of Brule Gardens and a cast-iron force main from the said pumping station north-easterly along Brule Gardens to Riverside Trail and easterly along Riverside Trail to a point where it connects with the Riverside Drive sewer over the actual cost of such work may be applied to the cost of any other work constructed or to be constructed at the expense of the Corporation.

Application
of surplus
debenture
monies,—
generally.

3. Any surplus which may have arisen or may arise from the sale of any debentures, other than public utility or school debentures, heretofore or hereafter issued by the Corporation, or which may remain after any such debentures have been fully paid, may be applied and used by the Corporation as a

reserve for uncollectible taxes; but if such surplus is not required for such purpose, then such surplus may be applied and used as follows:

- (a) to meet the principal due from year to year or in any year upon the issue of debentures in respect of which such surplus arose; or
- (b) if not required for the purpose mentioned in clause *a*, to meet the principal due from year to year or in any year upon any other issue of debentures; or
- (c) if approved by the Ontario Municipal Board, for the purposes of the general funds of the Corporation; provided that where the surplus arises from debentures issued to provide moneys for local improvements and the levies and payments under such debentures have not been fully made the provisions of clause *a* shall apply.

4.—(1) The council of the Corporation may pass by-laws for defining, licensing, regulating and governing drainmen, and for revoking any such license.

Power to pass by-laws re drainmen.

(a) The license fee shall not exceed \$10.

(2) The provisions of *The Municipal Act* for enforcing by-laws shall apply to any by-law passed under the authority of this section.

Idem.

Rev. Stat., c. 266.

5. For the purpose of section 429 of *The Municipal Act* as amended by section 10 of *The Municipal Amendment Act, 1938*, the Village of Swansea shall be deemed to be a town, and the said section shall apply to the said Village accordingly.

Swansea deemed a town for licensing bill posters, etc.
Rev. Stat., c. 266;
1938, c. 22.

6. The Corporation, under *The Local Improvement Act*, either by petition of all persons to be assessed therefor or with the approval of the Ontario Municipal Board under section 8 thereof, may undertake the construction of a sidewalk on one side only of a street and may provide that the owners' share of the cost thereof be specially assessed against the lots fronting or abutting on both sides of such street, and if a sidewalk is thereafter constructed on the other side of such street the owners' portion of the cost shall be specially assessed in like manner.

Sidewalks.
Rev. Stat., c. 269.

7. For the purpose of clause *n* of subsection 1 of section 2 of *The Local Improvement Act*, the Village of Swansea shall be deemed to be a town and the said clause shall apply to the said Village accordingly.

Street lighting.
Swansea deemed a town for purpose of
Rev. Stat., c. 269, s. 2, subs. 1,
cl. n.

Unclaimed
moneys.

8. Unclaimed moneys now or hereafter held by the treasurer of the Corporation arising from duplicate payments of taxes or from the sale of lands for arrears of taxes may, when such moneys have been so held for a period of at least six years, be used for the general purposes of the Corporation free from the claims of any person whatsoever.

Annual
allowance
to deputy-
reeve and
councillors.

9. The council of the Corporation may, subject to the approval of the Ontario Municipal Board, pass by-laws authorizing the payment of an annual allowance, in lieu of the fees provided by *The Municipal Act*, of a sum not exceeding \$400 to the deputy-reeve and not exceeding \$300 to each councillor.

Commence-
ment of Act.

10. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

11. This Act may be cited as *The Village of Swansea Act, 1941*.

SCHEDULE

THIS AGREEMENT made at Toronto this 31st day of July, 1939.

BETWEEN:

THE MUNICIPAL CORPORATION OF THE VILLAGE OF
SWANSEA, in the County of York, in the Province of
Ontario, hereinafter called the Municipality,

OF THE FIRST PART,

—and—

THE TORONTO LAND CORPORATION LIMITED and THE
EXCELSIOR LAND COMPANY LIMITED, both of the Town-
ship of Etobicoke, in the County of York, hereinafter
called the Companies,

OF THE SECOND PART.

WHEREAS the Companies being in arrears for taxes on lands in the Municipality which they are unable to pay at the present time, have applied to the Municipality and The Department of Municipal Affairs for consideration in the matter. And whereas The Department of Municipal Affairs after a full discussion between representatives of the Municipality, the Companies, and the Township of Etobicoke where the Companies also have large holdings of lands in arrears of taxes, has recommended and advised that the parties enter into this Agreement as being considered in the best interests of all parties concerned.

NOW THIS INDENTURE WITNESSETH that in consideration of these presents and the sum of one dollar, now paid by each of the parties to the other of them, (the receipt whereof is hereby by each of them acknowledged) the parties do agree as follows:

1. The Companies covenant and agree to pay to the Municipality (in addition to any sums heretofore paid by them in the year 1939):

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- (c) During each year for the next five years thereafter to pay the current year's taxes on lands owned by them within the Municipality, together with an amount sufficient to pay not less than one-fifth of the total arrears as of the end of the year 1939 together with penalties, to the intent and purpose that all arrears owing by the Companies will be paid in full by the end of the year 1944.

2. In case of sale or other disposition of any of the several parcels or lots of land of the Companies or either of them upon which any of the

said arrears of taxes, penalties and interest are owing, the Companies may require that a sufficient amount of the moneys to be paid under the terms of paragraph 1 hereof be applied in satisfaction of the said arrears, penalties, and interest owing upon the parcel or lot sold or disposed of so that the Companies or any person claiming under them or either of them may obtain title to such lands, free of any lien on the part of the Municipality for arrears of taxes, penalties and interest.

3. Except as provided in paragraph 2 hereof, the Municipality may at its discretion apply the aforesaid payments made pursuant to paragraph 1 hereof or any of them or any part thereof in or towards the satisfaction of the said arrears of taxes owing upon any of the several parcels or lots of land of the Companies.

4. The Municipality covenants and agrees that until default by the Companies under this Agreement is made and then not until it has given both the Companies and The Department of Municipal Affairs at least one month's notice in writing, it will not place the said lands in the lists for sale for arrears of taxes nor issue any writ or other process against the said Companies or either of them or their property in respect to the matters herein involved.

5. This Agreement is entered into by the Municipality on the clear understanding and the undertaking that The Department of Municipal Affairs will secure validation of this agreement and of all the Municipality's acts in respect hereto, and that neither this Agreement nor anything done by the Municipality in respect thereto shall be deemed to deprive the Municipality of any of its powers or rights under The Assessment Act in case of any default by the Companies hereunder. Provided, however, that this agreement shall be valid and binding in so far as the law allows until the end of the next regular session of the Legislature of Ontario, in any event.

6. Any actions or dealings of the Companies which may reasonably be interpreted by the Municipality and The Department of Municipal Affairs as an effort by the Companies to gain an advantage over the Municipality and to jeopardize the interests of the Municipality shall be taken to be a default by the Companies under this Agreement.

7. Action on any default shall be at the option of the Municipality and no neglect by the Municipality to act on the occurrence of any default shall affect the right of the Municipality to act on a subsequent default.

8. In view of the withdrawal by the Municipality, at the request of the Companies and The Department of Municipal Affairs, of the Companies' lands from the tax sale held by the Municipality on the 10th day of May, 1939, and from the adjourned tax sale held by the Municipality on the 2nd day of June, 1939, this Agreement is to be retroactive and shall take effect as and from the 1st day of May, 1939.

9. This Agreement shall enure to the benefit of and be binding upon the parties hereto, their successors and assigns; provided that it shall not extend to purchasers of land from the Companies, but in the event of any of such purchasers paying taxes or arrears of taxes to be paid by the Companies under paragraph 1 hereof on any lot or parcel of land so purchased, payments made by such purchasers shall be counted as part of the sums to be paid by the Companies hereunder.

IN WITNESS WHEREOF the parties have hereunto affixed their corporate seals.

Sealed and delivered, and countersigned respectively by the Reeve and Treasurer of the Municipality, and by the President and Secretaries of the Companies.

In the Presence of:

(Seal)

J. SOMMERVILLE.

THE CORPORATION OF THE VILLAGE
OF SWANSEA,

"C. C. DOWNEY,"

Reeve.

"N. L. IVEY,"

Clerk & Treasurer.

(Seal)

F. A. ATKINSON.

THE TORONTO LAND CORPORATION
LIMITED,

"GODFREY PETTIT,"

President.

"H. H. JOHNSTON,"

Secretary.

(Seal)

THE EXCELSIOR LAND COMPANY,
LIMITED,

"GODFREY PETTIT,"

President.

"F. A. ATKINS,"

Secretary

BILL

An Act respecting the Village of Swansea.

1st Reading

March 5th, 1941

2nd Reading

March 17th, 1941

3rd Reading

March 25th, 1941

MR. GARDHOUSE

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to incorporate Malton Water Company.

MR. KENNEDY

(PRIVATE BILL)

No. 9

1941

BILL

An Act to incorporate Malton Water Company.

Preamble.

WHEREAS National Steel Car Corporation Limited, a company incorporated under the laws of the Dominion of Canada, having its head office at the City of Hamilton, in the Province of Ontario, Robert James Magor, of the City of Montreal, in the Province of Quebec, Manufacturer, Glyn Osler, of the City of Toronto, in the Province of Ontario, one of His Majesty's Counsel learned in the law, Robert Shaw Hart, of the said City of Hamilton, Manufacturer, Charles Wilkinson Adam, of the said City of Hamilton, Company Executive, and Lawrence Edgar Marchant, of the said City of Toronto, Manufacturer, have by their petition prayed that an Act may be passed for the purpose of incorporating Malton Water Company and for the purposes hereinafter mentioned; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Malton Water Company constituted.

1. The said Robert James Magor, Glyn Osler, Robert Shaw Hart, Charles Wilkinson Adam and Lawrence Edgar Marchant and the persons who hereafter become shareholders therein are hereby constituted a corporation under the name "Malton Water Company", hereinafter called "the Company", for the purposes and with the powers hereinafter mentioned.

Capital.

2. The capital of the Company shall be two hundred thousand dollars divided into two thousand shares of the par value of one hundred dollars each.

Head Office.

3. The head office of the Company shall be situate in the County of Peel in the Province of Ontario and at the place therein where the business of the Company may from time to time be carried on.

Provisional Directors.

4. The provisional directors of the Company shall be the said Robert James Magor, Glyn Osler, Robert Shaw Hart, Charles Wilkinson Adam and Lawrence Edgar Marchant.

Objects
and
powers.

5. The Company is incorporated for the following purposes and objects and shall have the following powers and authorities, namely:

- (a) Generally to carry on the business of a waterworks and water supply company in the County of Peel and counties adjacent thereto.
- (b) Without limiting the generality of the foregoing,—
 - (i) to search and drill for, pump, extract, store, transport and supply water to the persons and corporations named in section 6 of this Act and to acquire easements, licenses, concessions, franchises, leases, rights of way and other privileges necessary or requisite in connection therewith, and to construct, lay, use, repair, inspect, maintain, replace, remove, relocate and operate aqueducts, water mains or pipes of such sizes as the Company may require for the conveyance of water, including all hydrants, pipes, conduits, connections, valves, stop-cocks, culverts, regulators, outlets, apparatus, appliances, manholes and fixtures necessary or incidental thereto, and all pipes, regulators, valves and other appurtenances necessary for the conveyance and distribution of water;
 - (ii) to construct and operate such works, buildings and plant as the Company shall deem necessary in connection with its business within the County of Peel and counties adjacent thereto, and with the assent of the council of the Corporation of the County of Peel or of any county or counties adjacent thereto, or of any township or townships therein, as the case may be, to exercise any of its powers within the said County or counties, or township or townships, respectively, as the case may be, and to use and occupy any portion of the highways thereof for the said purposes.
- (c) To acquire by purchase, lease or other title and to hold any real estate necessary for the carrying on of the undertaking of the Company and when no longer required to sell, alienate and convey the same.
- (d) For and in connection with any of the aforesaid purposes and powers of the Company, and subject to compliance with the provisions of *The Lakes and*

Rivers Improvement Act and any Act which may be substituted therefor and subject to the approval of the Ontario Municipal Board, to enter on and expropriate land, and rights and easements on, over and in land, waters and water privileges and to divert any lake, river, pond, spring or stream of water as may be deemed necessary for the purposes of the Company or for protecting its source or sources for the supply of water, or preserving the purity of its water supply, provided that in any case in which the Company shall exercise the powers of expropriation hereby conferred the provisions of Part I of *The Public Utilities Act* shall *mutatis mutandis* apply thereto so far as the same are applicable thereto.

Rev. Stat.,
c. 286.

- (e) To acquire from National Steel Car Corporation Limited the plant, property and rights of all descriptions acquired by the said Company in connection with the supplying of water to its own premises and to others and all agreements made by it in connection therewith and any benefits and obligations of National Steel Car Corporation Limited and its assigns pursuant thereto.

Power to
supply
water.

6.—(1) The Company may in its discretion supply water to National Steel Car Corporation Limited and to Canadian Associated Aircraft Limited and their assigns, and to the owners, lessees or other occupants from time to time of the airport at the Village of Malton, in the County of Peel, and to the operators or managers from time to time of the Air Training School at or near the said Village of Malton, and to Robert Joseph Ackroyd, of the Township of Chinguacousy, in the County of Peel, Farmer, and Frederick Hostrawser, of the said Township, Farmer, and Ruth Marion Hostrawser, his wife, and their respective heirs, executors and assigns, and to the occupants of any real estate at or near the Village of Malton owned by either of the said corporations.

Rates
subject to
approval of
Municipal
Board.

(2) The rates or prices to be charged by the Company for water supplied under subsection 1 shall be subject to the approval of the Ontario Municipal Board and the Company shall not charge or collect any rate or price in excess of those approved by the said Board.

Meetings.

7. Meetings of the shareholders, directors and executive committees of the Company shall be held at the head office of the Company or elsewhere either within or without Ontario as the directors shall from time to time direct.

By-laws 892
and 901,
Peel County,
and
agreements
thereunder,
validated.

8. By-law No. 892 passed by the Council of the Corporation of the County of Peel, set forth in Schedule A hereto, the agreement dated the 19th day of January, 1940, between

the Corporation of the County of Peel and National Steel Car Corporation Limited, set forth in Schedule B hereto, by-law No. 901 passed by the Council of the Corporation of the County of Peel, set forth in Schedule C hereto, and the agreement dated the 20th day of November, 1940, between the Corporation of the County of Peel and National Steel Car Corporation Limited, set forth in Schedule D hereto, all relating to the use by National Steel Car Corporation Limited of portions of highways within the County of Peel for the conveyance of water, are hereby confirmed and declared to be valid and binding on the Corporation of the County of Peel and on the ratepayers thereof.

By-laws and
agreements
to enure to
Company.

9. Forthwith after the assignment by National Steel Car Corporation Limited to the Company of the agreements between the Corporation of the County of Peel and National Steel Car Corporation Limited, respectively dated the 19th day of January, 1940, and the 20th day of November, 1940, and the by-laws of the County of Peel pursuant to which the said agreements were executed on its behalf, and the rights and benefits thereby granted to National Steel Car Corporation Limited, and the agreement by the Company to perform, observe and comply with the agreements, obligations and conditions therein contained on the part of National Steel Car Corporation Limited, the said two agreements and the said by-laws of the Corporation of the County of Peel and the rights, privileges and benefits of National Steel Car Corporation Limited thereunder, shall enure to the benefit of the Company without further act of the said Corporation of the County of Peel or of the electors thereof.

Commence-
ment of Act.

10. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

11. This Act may be cited as *The Malton Water Company Act, 1941*.

SCHEDULE A

BY-LAW NUMBER 892

OF

THE CORPORATION OF THE COUNTY OF PEEL

A By-law authorizing National Steel Car Corporation Limited to construct, install, lay, repair, inspect, maintain and operate works required for a water supply system.

WHEREAS National Steel Car Corporation Limited is the present registered owner of the following lands and premises:

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the Township of Toronto, in the County of Peel and Province of Ontario, being composed of:

FIRSTLY:

Those parts of Lots Numbers 9 and 10 in the Sixth Concession east of Hurontario Street, in the said Township as more particularly described in a Conveyance registered in the Registry Office for the Registry Division of the County of Peel on the 6th day of April, 1938, as Instrument Number 38328—Township of Toronto.

SECONDLY:

Those parts of Lots Numbers 9 and 10 in the Sixth Concession east of Hurontario Street, in the said Township as more particularly described in a conveyance registered in the said Registry Office on the 12th day of June, 1939, as Instrument Number 39216—Township of Toronto.

THIRDLY:

Those parts of Lot Number 10 in the Sixth Concession east of Hurontario Street, in the said Township, Lot Number 10 in the Fifth Concession east of Hurontario Street, in the said Township and the allowance for road between the said Concessions Five and Six as more particularly described in a Conveyance registered in the said Registry Office on the 12th day of June, 1939, as Instrument Number 39218—Township of Toronto,

on parts of which is at present erected what is known as its Malton Plant;

AND WHEREAS National Steel Car Corporation Limited has requested this Corporation to grant to it, its successors and assigns, as appurtenant to such lands and premises and every part thereof and all lands and premises which have been or may be acquired in connection with or as a part of said Plant, the power, right, permission and authority to construct, install, lay and operate and from time to time to repair, inspect, maintain and replace on, in and under the road allowance between the Townships of Toronto and Toronto Gore from the point marked "A" to the point marked "B" on the photostat of plan hereto annexed made by E. F. Roberts & Co., dated July, 1938, a watermain or mains forming part of the water supply system of National Steel Car Corporation Limited including all pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures necessary or incidental thereto with the further right to it, its successors and assigns, to attach or connect thereto pipes or mains to carry water from such water supply system to the lands and premises of any person, corporation or commission and the further power, right, permission and authority to it, its successors and assigns, to enter on and upon and to excavate and open the soil of the said road allowance from time to time for any and all of the above purposes;

AND WHEREAS this Corporation has agreed to grant the said powers, rights, permissions and authorities with respect to such part or parts of the said road allowance as is or are within and/or under the jurisdiction of this Corporation;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE COUNTY OF PEEL ENACTS as follows:

1. THAT National Steel Car Corporation, its successors and assigns, be and it is and they are hereby granted, as appurtenant to the said lands and premises hereinbefore described and every part thereof and all lands and premises which have been or may be acquired in connection with or as a part of the said Plant hereinbefore referred to, the power, right, permission and authority to construct, install, lay and operate and from time to time to repair, inspect, maintain and replace on, in and under such part or parts of the road allowance between the Townships of Toronto and Toronto Gore from the point marked "A" to the point marked "B" on the photostat of plan hereto annexed made by E. F. Roberts & Co., dated July, 1938, as is or are within and/or under the jurisdiction of this Corporation, a watermain or mains forming part of the water supply system of National Steel Car Corporation Limited including all pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures necessary or incidental thereto with the further right to National Steel Car Corporation Limited, its successors and assigns, to attach or connect thereto pipes or mains to carry water from such water supply system to the lands and premises of any person, corporation or commission and the further power, right, permission and authority to National Steel Car Corporation Limited, its successors and assigns, to enter on and upon and to excavate and open the soil of the said road allowance from time to time for any and all of the above purposes, subject to the terms and conditions of an Agreement to be entered into between the Company and the Corporation.

2. THAT A. D. McBride, the Warden, and David Wilson, the Clerk of this Corporation, be and they are hereby authorized and empowered to execute and deliver to National Steel Car Corporation Limited any grant, agreement and/or other document which may be deemed requisite and to affix the Corporate Seal thereto.

ENACTED AND PASSED this 19th day of January, 1940.

"A. D. McBRIDE."

(Seal)

"DAVID WILSON," Clerk.

(PLAN ATTACHED)

SCHEDULE B

INDENTURE made the 19th day of January, 1940,

BETWEEN:

THE CORPORATION OF THE COUNTY OF PEEL,
hereinafter called "the CORPORATION"

OF THE FIRST PART,

—and—

NATIONAL STEEL CAR CORPORATION LIMITED,
hereinafter called "the COMPANY"

OF THE SECOND PART.

WHEREAS the Company requested the Corporation to grant to it, its successors and assigns, as appurtenant to the lands and premises more particularly described in Schedule "A" hereto annexed and every part thereof and all lands and premises which have been or may be acquired in connection with or as a part of what is known as the Malton Plant of the Company, the power, right, permission and authority to construct, install, lay and operate and from time to time to repair, inspect, maintain and replace on, in and under the road allowance between the Townships of Toronto and Toronto Gore from the point marked "A" to the point marked "B" on the photostat of plan hereto annexed made by E. F. Roberts & Co., dated July, 1938, a watermain or mains forming part of the water supply system of the Company including all pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures necessary or incidental thereto with the further right to the Company, its successors and assigns, to attach or connect thereto pipes or mains to carry water from such water supply system to the lands and premises of any person, corporation or commission and the further power, right, permission and authority to the Company, its successors and assigns, to enter on and upon and to excavate and open the soil of the said road allowance from time to time for any or all of the above purposes;

AND WHEREAS the Corporation has by By-law Number 892 passed on the 19th day of January, 1940 granted to the Company, its successors and assigns, the said powers, rights, permissions and authorities with respect to such part or parts of the said road allowance as is or are within and/or under the jurisdiction of the Corporation;

NOW THEREFORE THIS INDENTURE WITNESSETH that in consideration of the premises the Corporation doth hereby grant unto the Company, its successors and assigns, to be used and enjoyed as appurtenant to the lands and premises more particularly described in Schedule "A" hereto annexed and every part thereof and all lands and premises which have been or may be acquired in connection with or as a part of the Malton Plant of the Company, the power, right, permission and authority to construct, install, lay and operate and from time to time to repair, inspect, maintain and replace on, in and under such part or parts of the road allowance between the Townships of Toronto and Toronto Gore from the point marked "A" to the point marked "B" on the photostat of plan hereto annexed made by E. F. Roberts & Co., dated July, 1938, as is or are within and/or under the jurisdiction of the Corporation a watermain or mains forming part of the water supply system of the Company including all pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures necessary or incidental thereto with the further right to the Company, its successors and assigns, to attach or connect thereto pipes or mains to carry water from such water supply system to the lands and premises of any person, corporation or commission and the further power, right, permission and authority to the Company, its successors and assigns, to enter on and upon and to excavate and open the soil of the said road allowance from time to time for any and all of the above purposes.

THE said watermain or mains and all pipes or mains to carry water from the said water supply system of the Company to the lands and premises of any person, corporation or commission including all pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures necessary or incidental thereto shall be laid under the said road allowance and shall be constructed, installed, laid, operated, repaired, inspected, maintained and replaced by the Company, its successors and assigns, so as not to unduly obstruct or interfere with the use of the said road allowance or with the drains and culverts now constructed in, under or upon the same.

THE Company, its successors and assigns, shall restore such part or parts of the said road allowance as is or are within and/or under the jurisdiction of the Corporation to the condition it was in prior to the completion by the Company, its successors and assigns, of any installation, construction and/or repair of the said watermain or mains including all pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures.

THE Company, its successors and assigns, shall indemnify and save harmless the Corporation from and against all loss, costs, charges and expenses which the Corporation may suffer or be put to by reason of or in consequence of any negligence on the part of the Company, its successors and assigns and its and their servants, agents and workmen in the construction, operation and/or repair of the said watermain or mains.

THE power, right, permission and authority granted to the Company does not include the power, right, permission and authority to lay or install service pipes or lateral pipes in or into the property of any person, corporation or commission except the property of a corporation which the Company owns or in which the Company has an interest.

IN WITNESS WHEREOF the Parties hereto have executed this Indenture.

SIGNED, SEALED AND DELIVERED

In the presence of:

"N. WAGNER."

THE CORPORATION OF THE COUNTY
OF PEEL

"A. D. McBRIDE,"
Warden.
(Corporate Seal)
"DAVID WILSON,"
Clerk.

NATIONAL STEEL CAR CORPORATION
LIMITED
(Corporate Seal)

"R. S. HART,"
Vice-President.

"CHAS. W. ADAM,"
Secretary.

SCHEDULE "A" referred to in the within Grant from
The Corporation of the County of Peel to National Steel
Car Corporation Limited, dated the 19th day of January,
1940.

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the Township of Toronto, in the County of Peel and Province of Ontario, being composed of:

FIRSTLY:

Those parts of Lots Numbers 9 and 10 in the Sixth Concession east of Hurontario Street, in the said Township as more particularly described in a Conveyance registered in the Registry Office for the Registry Division of the County of Peel on the 6th day of April, 1938, as Instrument Number 38328—Township of Toronto.

SECONDLY:

Those parts of Lots Numbers 9 and 10 in the Sixth Concession east of Hurontario Street, in the said Township as more particularly described in a Conveyance registered in the said Registry Office on the 12th day of June, 1939, as Instrument Number 39216—Township of Toronto.

THIRDLY:

Those parts of Lot Number 10 in the Sixth Concession east of Hurontario Street, in the said Township, Lot Number 10 in the Fifth Concession east of Hurontario Street in the said Township and the allowance for road between the said Concessions Five and Six as more particularly described in a Conveyance registered in the said Registry Office on the 12th day of June, 1939, as Instrument Number 39218—Township of Toronto.

(PLAN ATTACHED)

SCHEDULE C

BY-LAW NUMBER 901

OF

THE CORPORATION OF THE COUNTY OF PEEL

THE COUNCIL OF THE CORPORATION OF THE COUNTY OF PEEL ENACTS as follows:

1. THAT, subject to the terms and conditions contained in the form of Agreement hereto annexed as Schedule "A", National Steel Car Corporation Limited (hereinafter referred to as the Company, which expression where the context admits shall include its successors and assigns) be and it is and they are hereby given and granted the power, right, permission and authority to construct, lay, use, repair, inspect, maintain, replace, remove, and operate on, in, through and under those portions of the highways described in Schedule "B" hereto annexed or any part or parts thereof, water mains or pipes of such sizes as the said Company may require for the conveyance of water, including all hydrants, pipes, conduits, connections, valves, stopcocks, culverts, regulators, outlets, apparatus, appliances, manholes and fixtures necessary or incidental thereto, and all pipes, regulators, valves and other appurtenances necessary for the conveyance and distribution of water to the owners and occupants of lands which abut on such portions of the said highways or near which the water mains or pipes may pass, and the right to enter at any time and from time to time into and upon such portions of the said highways or any part thereof by its servants, agents and workmen and with or without animals, trucks and equipment and to excavate and open the soil thereof and generally to do and perform all acts and things required, necessary, suitable or expedient or which may be required, necessary, suitable or expedient for any or all of the above purposes;

2. THAT the watermain or pipe to be laid under road allowance described in paragraph 1, Schedule "B", shall be laid in the approximate location shown on general plan made by E. F. Roberts & Co., and being No. 431, dated November 6, 1940, a blue print of which is attached to this By-law and not closer to the travelled portion of the road allowance than the centre line of the ditches now on the said road allowance save and except where the said watermain or pipes cross the road at Station 264 plus 00 and at Station 330 plus 18;

3. THAT in the event either Party deems it necessary or advisable to obtain ratification or approval of this By-law by the Legislature of the Province of Ontario or the Lieutenant-Governor in Council, the other Party will concur and assist in obtaining such ratification; all expense that may be incurred in order to obtain such ratification or approval to be paid by the Company;

4. THAT an Agreement in the form of that hereto annexed as Schedule "A" shall be prepared and executed forthwith by the Parties hereto, and A. D. McBride, the Warden, and David Wilson, the Clerk of this Corporation, be and they are hereby authorized and empowered to execute the said Agreement on behalf of this Corporation and to affix the Corporate Seal of the Corporation thereto;

5. THAT the powers, rights and permissions and authorities granted to the said Company by this By-law and/or the last mentioned Agreement may be assigned by the said Company to any person or Company upon such person or Company executing and delivering to this Corporation a covenant under seal binding such person or Company to perform, observe and comply with the agreements, obligations and conditions contained in the hereinbefore mentioned Agreement, but in the event that the company should assign the powers, rights and permissions or any of them

granted by this By-law and/or the Agreement which is Schedule "A" to this By-law, the company shall in all respects continue to be bound by all the terms and conditions of this By-law and the Agreement annexed hereto;

6. THAT similar powers, rights and permissions granted to the said company by this By-law and/or Agreement may be granted to any other company, person or persons.

ENACTED AND PASSED this 20th day of November, 1940.

APPROVED:

"A. D. McBRIDE,"
Warden.

.....
County Road Superintendent.

"DAVID WILSON,"
Clerk.

(PLAN ATTACHED)

SCHEDULE "A" referred to in By-law Number 901 of the Corporation of the County of Peel.

AGREEMENT made as of the day of November, 1940,

BETWEEN:

THE CORPORATION OF THE COUNTY OF PEEL,
hereinafter called "the CORPORATION"

OF THE FIRST PART,

—and

NATIONAL STEEL CAR CORPORATION LIMITED,
hereinafter called "the COMPANY"

OF THE SECOND PART.

WHEREAS the Council of the Corporation has by By-law Number 901, passed on the 20th day of November, 1940, granted to the Company, its successors and assigns, the powers, rights, permissions and authorities hereinafter set forth, subject to the terms and conditions herein contained;

NOW THEREFORE THIS INDENTURE WITNESSETH that the Corporation doth hereby give and grant unto the Company (which expression where the context admits shall include its successors and assigns) the power, right, permission and authority to construct, lay, use, repair, inspect, maintain, replace, remove, relocate and operate on, in, through and under those portions of the highways described in Schedule "B" hereto annexed or any part or parts thereof, water mains or pipes of such sizes as the said Company may require for the conveyance of water, including all hydrants, pipes, conduits, connections, valves, stopcocks, culverts, regulators, outlets, apparatus, appliances, manholes and fixtures necessary or incidental thereto, and all pipes, regulators, valves and other appurtenances necessary for the conveyance and distribution of water to the owners and occupants of lands which abut on such portions of the said highways or near which the water mains or pipes may pass, and the right to enter at any time and from time to time into and upon such portions of the said highways by its servants, agents and workmen and with or without animals, trucks and equipment and to excavate and open the soil thereof and generally to do and perform all acts and things required, necessary, suitable or expedient or which may be required, necessary, suitable or expedient for any or all of the above purposes.

THE said water mains or pipes shall be constructed, installed and laid under the surface of the said highways and shall be constructed, installed, laid, used, repaired, inspected, maintained, replaced, removed and operated so as not to unduly obstruct or interfere with the use of the said highways or with the drains and culverts now constructed in and under the same.

THE Company shall restore the surface of the said highways to as good condition as they were in before, wherever the same shall have been

broken or opened by the said Company, as soon as may be after completion of the works in the course of or for the purposes of which the said surface shall have been broken or opened, such restoration to meet with the approval of the County Roads Committee for the County of Peel and the Road Superintendent for the County of Peel.

THE Company shall indemnify and save harmless the Corporation from and against all loss, costs, charges and expenses which the Corporation may suffer or be put to by reason of any negligence on the part of the Company and its servants, agents and workmen in the construction, maintenance, operation and/or repair of the said water mains or pipes and their appurtenances.

IN the event either Party deems it necessary or advisable to obtain ratification or approval of the said By-law by the Legislature of the Province of Ontario or the Lieutenant-Governor in Council the other Party will concur and assist in obtaining such ratification, all expenses that may be incurred in order to obtain such ratification or approval to be paid by the Company.

IN the event of the Company being prevented from carrying out its obligations hereunder by reason of any cause beyond its control, the Company shall be relieved from such obligations while such disability continues.

THE rights, powers, permissions and authorities granted to the Company by this Agreement and the said By-law may be assigned to any person or Company on such person or Company executing and delivering to the Corporation a covenant under seal binding such person or Company to perform, observe and comply with all agreements, obligations and conditions herein and in the said By-law contained, but in the event that the Company should assign the powers, rights, permissions and authorities or any of them granted by the said By-law and/or this Agreement, the Company shall in all respects continue to be bound by all the terms and conditions of the said By-law and this Agreement.

THE Company agrees that in the event of any grade changes in said road allowances, widening of bridges, culverts, crossings and the like, it will on being given two months' written notice change the location of any water main or pipes or appurtenances at its own expense, if such changes are required by the County Roads Committee for the County of Peel to enable such changes in grade, widening of bridges, culverts, crossings and the like to be effected.

IN WITNESS WHEREOF the Parties hereto have executed this Indenture.

SIGNED, SEALED AND DELIVERED

in the presence of:

THE CORPORATION OF THE COUNTY
OF PEEL

.....
Warden.

.....
Clerk.

NATIONAL STEEL CAR CORPORATION
LIMITED

.....
.....

SCHEDULE "B" referred to in By-law Number 901
of The Corporation of the County of Peel.

1. THAT portion of the road known as the Sixth Line East (being the road allowance between the Townships of Toronto and Toronto Gore and Chinguacousy and Toronto Gore) lying between the production north-easterly of the north-westerly limit of the road allowance between Lots Numbers 10 and 11 in the Sixth Concession east of Hurontario Street in

the Township of Chinguacousy and the production north-easterly of the south-easterly limit of that part of Lot Number 9 in the Sixth Concession east of Hurontario Street in the Township of Toronto, more particularly described in registered Instrument Number 39216—Township of Toronto;

2. THAT portion of the Meadowvale-Malton side road lying between the production westerly of the most southerly limit of that part of Lot Number 10 in the Fifth Concession east of Hurontario Street in the Township of Toronto, more particularly described in registered Instrument Number 39218—Township of Toronto, and the north-easterly limit of the Village of Malton.

SCHEDULE D

AGREEMENT made as of the 20th day of November, 1940,

BETWEEN:

THE CORPORATION OF THE COUNTY OF PEEL,
hereinafter called "the CORPORATION"

OF THE FIRST PART,

—and—

NATIONAL STEEL CAR CORPORATION LIMITED,
hereinafter called "the COMPANY"

OF THE SECOND PART.

WHEREAS the Council of the Corporation has by By-law Number 901, passed on the 20th day of November, 1940, granted to the Company, its successors and assigns, the powers, rights, permissions and authorities hereinafter set forth, subject to the terms and conditions herein contained;

NOW THEREFORE THIS INDENTURE WITNESSETH that the Corporation doth hereby give and grant unto the Company (which expression where the context admits shall include its successors and assigns) the power, right, permission and authority to construct, lay, use, repair, inspect, maintain, replace, remove, relocate and operate on, in through and under those portions of the highways described in Schedule "B" hereto annexed or any part or parts thereof, water mains or pipes of such sizes as the said Company may require for the conveyance of water, including all hydrants, pipes, conduits, connections, valves, stopcocks, culverts, regulators, outlets, apparatus, appliances, manholes and fixtures necessary or incidental thereto, and all pipes, regulators, valves and other appurtenances necessary for the conveyance and distribution of water to the owners and occupants of lands which abut on such portions of the said highways or near which the water mains or pipes may pass, and the right to enter at any time and from time to time into and upon such portions of the said highways by its servants, agents and workmen and with or without animals, trucks and equipment and to excavate and open the soil thereof and generally to do and perform all acts and things required, necessary, suitable or expedient or which may be required, necessary, suitable or expedient for any or all of the above purposes.

THE said water mains or pipes shall be constructed, installed and laid under the surface of the said highways and shall be constructed, installed, laid, used, repaired, inspected, maintained, replaced, removed and operated so as not to unduly obstruct or interfere with the use of the said highways or with the drains and culverts now constructed in and under the same.

THE Company shall restore the surface of the said highways to as good condition as they were in before, wherever the same shall have been broken or opened by the said Company, as soon as may be after completion of the works in the course of or for the purposes of which the said surface shall have been broken or opened, such restoration to meet with the approval of the County Roads Committee for the County of Peel and the Road Superintendent for the County of Peel.

THE Company shall indemnify and save harmless the Corporation from and against all loss, costs, charges and expenses which the Corporation may suffer or be put to by reason of any negligence on the part of the Company and its servants, agents and workmen in the construction, maintenance, operation and/or repair of the said water mains or pipes and their appurtenances.

In the event either Party deems it necessary or advisable to obtain ratification or approval of the said By-law by the Legislature of the Province of Ontario or the Lieutenant-Governor in Council the other Party will concur and assist in obtaining such ratification, all expenses that may be incurred in order to obtain such ratification or approval to be paid by the Company.

In the event of the Company being prevented from carrying out its obligations hereunder by reason of any cause beyond its control, the Company shall be relieved from such obligations while such disability continues.

THE rights, powers, permissions and authorities granted to the Company by this Agreement and the said By-law may be assigned to any person or Company on such person or Company executing and delivering to the Corporation a covenant under seal binding such person or Company to perform, observe and comply with all agreements, obligations and conditions herein and in the said By-law contained, but in the event that the Company should assign the powers, rights, permissions and authorities or any of them granted by the said By-law and/or this Agreement, the Company shall in all respects continue to be bound by all the terms and conditions of the said By-law and this Agreement.

THE Company agrees that in the event of any grade changes in said road allowances, widening of bridges, culverts, crossings and the like, it will on being given two months' written notice change the location of any water main or pipes or appurtenances at its own expense, if such changes are required by the County Roads Committee for the County of Peel to enable such changes in grade, widening of bridges, culverts, crossings and the like to be effected.

IN WITNESS WHEREOF the Parties hereto have executed this Indenture.

SIGNED, SEALED AND DELIVERED

in the presence of:

THE CORPORATION OF THE COUNTY
OF PEEL

"A. D. MCBRIDE,
Warden. (Seal)
"DAVID WILSON,"
Clerk.

NATIONAL STEEL CAR CORPORATION
LIMITED

"R. S. HART,"
Vice-President. (Seal)
"CHAS. W. ADAM,"
Secretary.

"T. H. BURCHER."

SCHEDULE "B" referred to in the within Agreement between The Corporation of the County of Peel and National Steel Car Corporation Limited, dated as of the 20th day of November, 1940.

1. THAT portion of the road known as the Sixth Line East (being the road allowance between the Townships of Toronto and Toronto Gore and Chinguacousy and Toronto Gore) lying between the production north-easterly of the north-westerly limit of the road allowance between Lots Numbers 10 and 11 in the Sixth Concession east of Hurontario Street in the Township of Chinguacousy and the production north-easterly of the south-easterly limit of that part of Lot Number 9 in the Sixth Concession east of Hurontario Street in the Township of Toronto, more particularly described in registered Instrument Number 39216—Township of Toronto.

2. THAT portion of the Meadowvale-Malton side road lying between the production westerly of the most southerly limit of that part of Lot Number 10 in the Fifth Concession east of Hurontario Street in the Township of Toronto, more particularly described in registered Instrument Number 39218—Township of Toronto, and the north-easterly limit of the Village of Malton.

BILL

An Act to incorporate Malton
Water Company.

1st Reading

2nd Reading

3rd Reading

MR. KENNEDY

(Private Bill)

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to incorporate Malton Water Company.

MR. KENNEDY

*(Reprinted as amended by the Committee on
Private Bills.)*

BILL

An Act to incorporate Malton Water Company.

Preamble.

WHEREAS National Steel Car Corporation Limited, a company incorporated under the laws of the Dominion of Canada, having its head office at the City of Hamilton, in the Province of Ontario, Robert James Magor, of the City of Montreal, in the Province of Quebec, Manufacturer, Glyn Osler, of the City of Toronto, in the Province of Ontario, one of His Majesty's Counsel learned in the law, Robert Shaw Hart, of the said City of Hamilton, Manufacturer, Charles Wilkinson Adam, of the said City of Hamilton, Company Executive, and Lawrence Edgar Marchant, of the said City of Toronto, Manufacturer, have by their petition prayed that an Act may be passed for the purpose of incorporating Malton Water Company and for the purposes hereinafter mentioned; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Malton Water Company constituted.

1. The said Robert James Magor, Glyn Osler, Robert Shaw Hart, Charles Wilkinson Adam and Lawrence Edgar Marchant and the persons who hereafter become shareholders therein are hereby constituted a corporation under the name "Malton Water Company", hereinafter called "the Company", for the purposes and with the powers hereinafter mentioned.

Capital.

2. The capital of the Company shall be two hundred thousand dollars divided into two thousand shares of the par value of one hundred dollars each.

Head Office.


3. The head office of the Company shall be situate in the County of Peel in the Province of Ontario and at the place therein where the business of the Company may from time to time be carried on.

Provisional Directors.

4. The provisional directors of the Company shall be the said Robert James Magor, Glyn Osler, Robert Shaw Hart, Charles Wilkinson Adam and Lawrence Edgar Marchant.

5. The Company is incorporated for the following purposes and objects and shall have the following powers and authorities, namely:



(a) To supply water to the persons and corporations named in section 6 of this Act or any of them and to do all such things as may be requisite for that purpose. 


(b) Without limiting the generality of the foregoing,—



(i) notwithstanding anything contained in *The Public Utilities Act* or *The Municipal Franchises Act*, and without any other authority, assent or approval than is contained in this Act, to construct and operate such works, buildings and plant and to exercise such of its powers as the Company shall deem necessary within the County of Peel in order to search and drill for and pump and extract water from the west half of lot ten in the sixth concession east of Hurontario Street in the Township of Chinguacousy, in the County of Peel, and from the existing well on the Canadian National Railway station grounds in the Village of Malton, in the County of Peel, and to transport, store and supply the same to the persons and corporations named in section 6 of this Act or any of them;

(ii) subject to the approval of the Ontario Municipal Board, after notice to all persons affected, and notwithstanding anything contained in *The Public Utilities Act* or *The Municipal Franchises Act*, without any other authority, assent, or approval than is required by this Act, to exercise any of its powers within the County of Peel and counties adjacent thereto or any township or townships therein, as the case may be, and to use and occupy any portion of the highways thereof for the said purposes and to search and drill for, pump, extract, store, transport and supply water to the persons and corporations named in section 6 of this Act or any of them and to construct and operate such works, buildings and plant as the Company shall deem necessary and to acquire easements, licenses, concessions, franchises, leases, rights of way and other privileges necessary or requisite in connection therewith, and to construct, lay, use,

repair, inspect, maintain, replace, remove, relocate and operate aqueducts, water mains or pipes of such sizes as the Company may require for the conveyance of water, including all hydrants, pipes, conduits, connections, valves, stop-cocks, culverts, regulators, outlets, apparatus, appliances, manholes and fixtures necessary or incidental thereto, and all pipes, regulators, valves and other appurtenances necessary for the conveyance and distribution of water;

- (iii) the Ontario Municipal Board shall determine the persons affected and entitled to receive notice as aforesaid and such determination shall be final and conclusive. 

- (c) To acquire by purchase, lease or other title and to hold any real estate necessary for the carrying on of the undertaking of the Company and when no longer required to sell, alienate and convey the same.

- (d) For and in connection with any of the aforesaid purposes and powers of the Company, and subject to compliance with the provisions of *The Lakes and Rivers Improvement Act* and any Act which may be substituted therefor and subject to the approval of the Ontario Municipal Board after notice to all persons affected, to enter on and expropriate land, and rights and easements on, over and in land, waters and water privileges and to divert any lake, river, pond, spring or stream of water as may be deemed necessary for the purposes of the Company or for protecting its source or sources for the supply of water, or preserving the purity of its water supply, provided that in any case in which the Company shall exercise the powers of expropriation hereby conferred the provisions of Part I of *The Public Utilities Act* shall *mutatis mutandis* apply thereto so far as the same are applicable thereto. The Ontario Municipal Board shall determine the persons affected and entitled to receive notice as aforesaid and such determination shall be final and conclusive.

Rev. Stat.,
c. 45.

Rev. Stat.,
c. 286.

- (e) To acquire from National Steel Car Corporation Limited the plant, property and rights of all descriptions acquired by the said Company in connection with the supplying of water and all agreements made by it in connection therewith and any benefits and

obligations of National Steel Car Corporation Limited and its assigns pursuant thereto.

Power to
supply
water.

6. The Company may in its discretion supply water to National Steel Car Corporation Limited and to Canadian Associated Aircraft Limited and their assigns, and to the owners, lessees or other occupants from time to time of the airport at the Village of Malton, in the County of Peel, and to the operators or managers from time to time of the Air Training School at or near the said Village of Malton, and to Robert Joseph Ackroyd, of the Township of Chinguacousy, in the County of Peel, Farmer, and Frederick Hostrawser, of the said Township, Farmer, and Ruth Marion Hostrawser, his wife, and their respective heirs, executors and assigns, pursuant to the agreements between such persons respectively and National Steel Car Corporation Limited and others.

Meetings.

7. Meetings of the shareholders, directors and executive committees of the Company shall be held at the head office of the Company or elsewhere either within or without Ontario as the directors shall from time to time direct.

By-laws 892
and 901,
Peel County,
and
agreements
thereunder,
validated.

8. By-law No. 892 passed by the Council of the Corporation of the County of Peel, set forth in Schedule A hereto, the agreement dated the 19th day of January, 1940, between the Corporation of the County of Peel and National Steel Car Corporation Limited, set forth in Schedule B hereto, by-law No. 901 passed by the Council of the Corporation of the County of Peel, set forth in Schedule C hereto, and the agreement dated the 20th day of November, 1940, between the Corporation of the County of Peel and National Steel Car Corporation Limited, set forth in Schedule D hereto, all relating to the use by National Steel Car Corporation Limited of portions of highways within the County of Peel for the conveyance of water, are hereby confirmed and declared to be valid and binding on the Corporation of the County of Peel and on the ratepayers thereof.

By-laws and
agreements
to enure to
Company.

9. Forthwith after the assignment by National Steel Car Corporation Limited to the Company of the agreements between the Corporation of the County of Peel and National Steel Car Corporation Limited, respectively dated the 19th day of January, 1940, and the 20th day of November, 1940, and the by-laws of the County of Peel pursuant to which the said agreements were executed on its behalf, and the rights and benefits thereby granted to National Steel Car Corporation Limited, and the agreement by the Company to perform, observe and comply with the agreements, obligations and conditions therein contained on the part of National Steel Car Corporation Limited, the said two agreements and the

said by-laws of the Corporation of the County of Peel and the rights, privileges and benefits of National Steel Car Corporation Limited thereunder, shall enure to the benefit of the Company without further act of the said Corporation of the County of Peel or of the electors thereof.

Commence-
ment of Act.

10. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

11. This Act may be cited as *The Malton Water Company Act, 1941*.

SCHEDULE A

BY-LAW NUMBER 892

OF

THE CORPORATION OF THE COUNTY OF PEEL

A By-law authorizing National Steel Car Corporation Limited to construct, install, lay, repair, inspect, maintain and operate works required for a water supply system.

WHEREAS National Steel Car Corporation Limited is the present registered owner of the following lands and premises:

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the Township of Toronto, in the County of Peel and Province of Ontario, being composed of:

FIRSTLY:

Those parts of Lots Numbers 9 and 10 in the Sixth Concession east of Hurontario Street, in the said Township as more particularly described in a Conveyance registered in the Registry Office for the Registry Division of the County of Peel on the 6th day of April, 1938, as Instrument Number 38328—Township of Toronto.

SECONDLY:

Those parts of Lots Numbers 9 and 10 in the Sixth Concession east of Hurontario Street, in the said Township as more particularly described in a conveyance registered in the said Registry Office on the 12th day of June, 1939, as Instrument Number 39216—Township of Toronto.

THIRDLY:

Those parts of Lot Number 10 in the Sixth Concession east of Hurontario Street, in the said Township, Lot Number 10 in the Fifth Concession east of Hurontario Street, in the said Township and the allowance for road between the said Concessions Five and Six as more particularly described in a Conveyance registered in the said Registry Office on the 12th day of June, 1939, as Instrument Number 39218—Township of Toronto,

on parts of which is at present erected what is known as its Malton Plant;

AND WHEREAS National Steel Car Corporation Limited has requested this Corporation to grant to it, its successors and assigns, as appurtenant to such lands and premises and every part thereof and all lands and premises which have been or may be acquired in connection with or as a part of said Plant, the power, right, permission and authority to construct, install, lay and operate and from time to time to repair, inspect, maintain and replace on, in and under the road allowance between the Townships of Toronto and Toronto Gore from the point marked "A" to the point marked "B" on the photostat of plan hereto annexed made by E. F. Roberts & Co., dated July, 1938, a watermain or mains forming part of the water supply system of National Steel Car Corporation Limited including all pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures necessary or incidental thereto with the further right to it, its successors and assigns, to attach or connect thereto pipes or mains to carry water from such water supply system to the lands and premises of any person, corporation or commission and the further power, right, permission and authority to it, its successors and assigns, to enter on and upon and to excavate and open the soil of the said road allowance from time to time for any and all of the above purposes;

AND WHEREAS this Corporation has agreed to grant the said powers, rights, permissions and authorities with respect to such part or parts of the said road allowance as is or are within and/or under the jurisdiction of this Corporation;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE COUNTY OF PEEL ENACTS as follows:

1. THAT National Steel Car Corporation, its successors and assigns, be and it is and they are hereby granted, as appurtenant to the said lands and premises hereinbefore described and every part thereof and all lands and premises which have been or may be acquired in connection with or as a part of the said Plant hereinbefore referred to, the power, right, permission and authority to construct, install, lay and operate and from time to time to repair, inspect, maintain and replace on, in and under such part or parts of the road allowance between the Townships of Toronto and Toronto Gore from the point marked "A" to the point marked "B" on the photostat of plan hereto annexed made by E. F. Roberts & Co., dated July, 1938, as is or are within and/or under the jurisdiction of this Corporation, a watermain or mains forming part of the water supply system of National Steel Car Corporation Limited including all pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures necessary or incidental thereto with the further right to National Steel Car Corporation Limited, its successors and assigns, to attach or connect thereto pipes or mains to carry water from such water supply system to the lands and premises of any person, corporation or commission and the further power, right, permission and authority to National Steel Car Corporation Limited, its successors and assigns, to enter on and upon and to excavate and open the soil of the said road allowance from time to time for any and all of the above purposes, subject to the terms and conditions of an Agreement to be entered into between the Company and the Corporation.

2. THAT A. D. McBride, the Warden, and David Wilson, the Clerk of this Corporation, be and they are hereby authorized and empowered to execute and deliver to National Steel Car Corporation Limited any grant, agreement and/or other document which may be deemed requisite and to affix the Corporate Seal thereto.

ENACTED AND PASSED this 19th day of January, 1940.

"A. D. McBRIDE."

(Seal)

"DAVID WILSON," *Clerk.*

(PLAN ATTACHED)

SCHEDULE B

INDENTURE made the 19th day of January, 1940,

BETWEEN:

THE CORPORATION OF THE COUNTY OF PEEL,
hereinafter called "the CORPORATION"

OF THE FIRST PART,

—and—

NATIONAL STEEL CAR CORPORATION LIMITED,
hereinafter called "the COMPANY"

OF THE SECOND PART.

WHEREAS the Company requested the Corporation to grant it, its successors and assigns, as appurtenant to the lands and premises more particularly described in Schedule "A" hereto annexed and every part thereof and all lands and premises which have been or may be acquired in connection with or as a part of what is known as the Malton Plant of the Company, the power, right, permission and authority to construct, install, lay and operate and from time to time to repair, inspect, maintain and replace on, in and under the road allowance between the Townships of Toronto and Toronto Gore from the point marked "A" to the point marked "B" on the photostat of plan hereto annexed made by E. F. Roberts & Co., dated July, 1938, a watermain or mains forming part of the water supply system of the Company including all pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures necessary or incidental thereto with the further right to the Company, its successors and assigns, to attach or connect thereto pipes or mains to carry water from such water supply system to the lands and premises of any person, corporation or commission and the further power, right, permission and authority to the Company, its successors and assigns, to enter on and upon and to excavate and open the soil of the said road allowance from time to time for any or all of the above purposes;

AND WHEREAS the Corporation has by By-law Number 892 passed on the 19th day of January, 1940 granted to the Company, its successors and assigns, the said powers, rights, permissions and authorities with respect to such part or parts of the said road allowance as is or are within, and/or under the jurisdiction of the Corporation;

NOW THEREFORE THIS INDENTURE WITNESSETH that in consideration of the premises the Corporation doth hereby grant unto the Company, its successors and assigns, to be used and enjoyed as appurtenant to the lands and premises more particularly described in Schedule "A" hereto annexed and every part thereof and all lands and premises which have been or may be acquired in connection with or as a part of the Malton Plant of the Company, the power, right, permission and authority to construct, install, lay and operate and from time to time to repair, inspect, maintain and replace on, in and under such part or parts of the road allowance between the Townships of Toronto and Toronto Gore from the point marked "A" to the point marked "B" on the photostat of plan hereto annexed made by E. F. Roberts & Co., dated July, 1938, as is or are within and/or under the jurisdiction of the Corporation a watermain or mains forming part of the water supply system of the Company including all pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures necessary or incidental thereto with the further right to the Company, its successors and assigns, to attach or connect thereto pipes or mains to carry water from such water supply system to the lands and premises of any person, corporation or commission and the further power, right, permission and authority to the Company, its successors and assigns, to enter on and upon and to excavate and open the soil of the said road allowance from time to time for any and all of the above purposes.

THE said watermain or mains and all pipes or mains to carry water from the said water supply system of the Company to the lands and premises of any person, corporation or commission including all pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures necessary or incidental thereto shall be laid under the said road allowance and shall be constructed, installed, laid, operated, repaired, inspected, maintained and replaced by the Company, its successors and assigns, so as not to unduly obstruct or interfere with the use of the said road allowance or with the drains and culverts now constructed in, under or upon the same.

THE Company, its successors and assigns, shall restore such part or parts of the said road allowance as is or are within and/or under the jurisdiction of the Corporation to the condition it was in prior to the completion by the Company, its successors and assigns, of any installation, construction and/or repair of the said watermain or mains including all pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures.

THE Company, its successors and assigns, shall indemnify and save harmless the Corporation from and against all loss, costs, charges and expenses which the Corporation may suffer or be put to by reason of or in consequence of any negligence on the part of the Company, its successors and assigns and its and their servants, agents and workmen in the construction, operation and/or repair of the said watermain or mains.

THE power, right, permission and authority granted to the Company does not include the power, right, permission and authority to lay or install service pipes or lateral pipes in or into the property of any person, corporation or commission except the property of a corporation which the Company owns or in which the Company has an interest.

IN WITNESS WHEREOF the Parties hereto have executed this Indenture.

SIGNED, SEALED AND DELIVERED

In the presence of:

"N. WAGNER."

THE CORPORATION OF THE COUNTY
OF PEEL

"A. D. McBRIDE,"
Warden.
(Corporate Seal)
"DAVID WILSON,"
Clerk.

NATIONAL STEEL CAR CORPORATION
LIMITED
(Corporate Seal)

"R. S. HART,"
Vice-President.

"CHAS. W. ADAM,"
Secretary.

SCHEDULE "A" referred to in the within Grant from The Corporation of the County of Peel to National Steel Car Corporation Limited, dated the 19th day of January, 1940.

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the Township of Toronto, in the County of Peel and Province of Ontario, being composed of:

FIRSTLY:

Those parts of Lots Numbers 9 and 10 in the Sixth Concession east of Hurontario Street, in the said Township as more particularly described in a Conveyance registered in the Registry Office for the Registry Division of the County of Peel on the 6th day of April, 1938, as Instrument Number 38328—Township of Toronto.

SECONDLY:

Those parts of Lots Numbers 9 and 10 in the Sixth Concession east of Hurontario Street, in the said Township as more particularly described in a Conveyance registered in the said Registry Office on the 12th day of June, 1939, as Instrument Number 39216—Township of Toronto.

THIRDLY:

Those parts of Lot Number 10 in the Sixth Concession east of Hurontario Street, in the said Township, Lot Number 10 in the Fifth Concession east of Hurontario Street in the said Township and the allowance for road between the said Concessions Five and Six as more particularly described in a Conveyance registered in the said Registry Office on the 12th day of June, 1939, as Instrument Number 39218—Township of Toronto.

(PLAN ATTACHED)

SCHEDULE C

BY-LAW NUMBER 901

OF

THE CORPORATION OF THE COUNTY OF PEEL

THE COUNCIL OF THE CORPORATION OF THE COUNTY OF PEEL ENACTS as follows:

1. THAT, subject to the terms and conditions contained in the form of Agreement hereto annexed as Schedule "A", National Steel Car Corporation Limited (hereinafter referred to as the Company, which expression where the context admits shall include its successors and assigns) be and it is and they are hereby given and granted the power, right, permission and authority to construct, lay, use, repair, inspect, maintain, replace, remove, and operate on, in, through and under those portions of the highways described in Schedule "B" hereto annexed or any part or parts thereof, water mains or pipes of such sizes as the said Company may require for the conveyance of water, including all hydrants, pipes, conduits, connections, valves, stopcocks, culverts, regulators, outlets, apparatus, appliances, manholes and fixtures necessary or incidental thereto, and all pipes, regulators, valves and other appurtenances necessary for the conveyance and distribution of water to the owners and occupants of lands which abut on such portions of the said highways or near which the water mains or pipes may pass, and the right to enter at any time and from time to time into and upon such portions of the said highways or any part thereof by its servants, agents and workmen and with or without animals, trucks and equipment and to excavate and open the soil thereof and generally to do and perform all acts and things required, necessary, suitable or expedient or which may be required, necessary, suitable or expedient for any or all of the above purposes;

2. THAT the watermain or pipe to be laid under road allowance described in paragraph 1, Schedule "B", shall be laid in the approximate location shown on general plan made by E. F. Roberts & Co., and being No. 431, dated November 6, 1940, a blue print of which is attached to this By-law and not closer to the travelled portion of the road allowance than the centre line of the ditches now on the said road allowance save and except where the said watermain or pipes cross the road at Station 264 plus 00 and at Station 330 plus 18;

3. THAT in the event either Party deems it necessary or advisable to obtain ratification or approval of this By-law by the Legislature of the Province of Ontario or the Lieutenant-Governor in Council, the other Party will concur and assist in obtaining such ratification; all expense that may be incurred in order to obtain such ratification or approval to be paid by the Company;

4. THAT an Agreement in the form of that hereto annexed as Schedule "A" shall be prepared and executed forthwith by the Parties hereto, and A. D. McBride, the Warden, and David Wilson, the Clerk of this Corporation, be and they are hereby authorized and empowered to execute the said Agreement on behalf of this Corporation and to affix the Corporate Seal of the Corporation thereto;

5. THAT the powers, rights and permissions and authorities granted to the said Company by this By-law and/or the last mentioned Agreement may be assigned by the said Company to any person or Company upon such person or Company executing and delivering to this Corporation a covenant under seal binding such person or Company to perform, observe and comply with the agreements, obligations and conditions contained in the hereinbefore mentioned Agreement, but in the event that the company should assign the powers, rights and permissions or any of them

granted by this By-law and/or the Agreement which is Schedule "A" to this By-law, the company shall in all respects continue to be bound by all the terms and conditions of this By-law and the Agreement annexed hereto;

6. THAT similar powers, rights and permissions granted to the said company by this By-law and/or Agreement may be granted to any other company, person or persons.

ENACTED AND PASSED this 20th day of November, 1940.

APPROVED:

"A. D. McBRIDE,"
Warden.

.....
County Road Superintendent.

"DAVID WILSON,"
Clerk.

(PLAN ATTACHED)

SCHEDULE "A" referred to in By-law Number 901 of
the Corporation of the County of Peel.

AGREEMENT made as of the day of November, 1940,

BETWEEN:

THE CORPORATION OF THE COUNTY OF PEEL,
hereinafter called "the CORPORATION"

OF THE FIRST PART,

—and

NATIONAL STEEL CAR CORPORATION LIMITED,
hereinafter called "the COMPANY"

OF THE SECOND PART.

WHEREAS the Council of the Corporation has by By-law Number 901, passed on the 20th day of November, 1940, granted to the Company, its successors and assigns, the powers, rights, permissions and authorities hereinafter set forth, subject to the terms and conditions herein contained;

NOW THEREFORE THIS INDENTURE WITNESSETH that the Corporation doth hereby give and grant unto the Company (which expression where the context admits shall include its successors and assigns) the power, right, permission and authority to construct, lay, use, repair, inspect, maintain, replace, remove, relocate and operate on, in, through and under those portions of the highways described in Schedule "B" hereto annexed or any part or parts thereof, water mains or pipes of such sizes as the said Company may require for the conveyance of water, including all hydrants, pipes, conduits, connections, valves, stopcocks, culverts, regulators, outlets, apparatus, appliances, manholes and fixtures necessary or incidental thereto, and all pipes, regulators, valves and other appurtenances necessary for the conveyance and distribution of water to the owners and occupants of lands which abut on such portions of the said highways or near which the water mains or pipes may pass, and the right to enter at any time and from time to time into and upon such portions of the said highways by its servants, agents and workmen and with or without animals, trucks and equipment and to excavate and open the soil thereof and generally to do and perform all acts and things required, necessary, suitable or expedient or which may be required, necessary, suitable or expedient for any or all of the above purposes.

THE said water mains or pipes shall be constructed, installed and laid under the surface of the said highways and shall be constructed, installed, laid, used, repaired, inspected, maintained, replaced, removed and operated so as not to unduly obstruct or interfere with the use of the said highways or with the drains and culverts now constructed in and under the same.

THE Company shall restore the surface of the said highways to as good condition as they were in before, wherever the same shall have been

broken or opened by the said Company, as soon as may be after completion of the works in the course of or for the purposes of which the said surface shall have been broken or opened, such restoration to meet with the approval of the County Roads Committee for the County of Peel and the Road Superintendent for the County of Peel.

THE Company shall indemnify and save harmless the Corporation from and against all loss, costs, charges and expenses which the Corporation may suffer or be put to by reason of any negligence on the part of the Company and its servants, agents and workmen in the construction, maintenance, operation and/or repair of the said water mains or pipes and their appurtenances.

In the event either Party deems it necessary or advisable to obtain ratification or approval of the said By-law by the Legislature of the Province of Ontario or the Lieutenant-Governor in Council the other Party will concur and assist in obtaining such ratification, all expenses that may be incurred in order to obtain such ratification or approval to be paid by the Company.

IN the event of the Company being prevented from carrying out its obligations hereunder by reason of any cause beyond its control, the Company shall be relieved from such obligations while such disability continues.

THE rights, powers, permissions and authorities granted to the Company by this Agreement and the said By-law may be assigned to any person or Company on such person or Company executing and delivering to the Corporation a covenant under seal binding such person or Company to perform, observe and comply with all agreements, obligations and conditions herein and in the said By-law contained, but in the event that the Company should assign the powers, rights, permissions and authorities or any of them granted by the said By-law and/or this Agreement, the Company shall in all respects continue to be bound by all the terms and conditions of the said By-law and this Agreement.

THE Company agrees that in the event of any grade changes in said road allowances, widening of bridges, culverts, crossings and the like, it will on being given two months' written notice change the location of any water main or pipes or appurtenances at its own expense, if such changes are required by the County Roads Committee for the County of Peel to enable such changes in grade, widening of bridges, culverts, crossings and the like to be effected.

IN WITNESS WHEREOF the Parties hereto have executed this Indenture.

SIGNED, SEALED AND DELIVERED

in the presence of:

THE CORPORATION OF THE COUNTY
OF PEEL

.....
Warden.

.....
Clerk.

NATIONAL STEEL CAR CORPORATION
LIMITED

.....
.....

SCHEDULE "B" referred to in By-law Number 901
of The Corporation of the County of Peel.

1. THAT portion of the road known as the Sixth Line East (being the road allowance between the Townships of Toronto and Toronto Gore and Chinguacousy and Toronto Gore) lying between the production north-easterly of the north-westerly limit of the road allowance between Lots Numbers 10 and 11 in the Sixth Concession east of Hurontario Street in

the Township of Chinguacousy and the production north-easterly of the south-easterly limit of that part of Lot Number 9 in the Sixth Concession east of Hurontario Street in the Township of Toronto, more particularly described in registered Instrument Number 39216—Township of Toronto;

2. THAT portion of the Meadowvale-Malton side road lying between the production westerly of the most southerly limit of that part of Lot Number 10 in the Fifth Concession east of Hurontario Street in the Township of Toronto, more particularly described in registered Instrument Number 39218—Township of Toronto, and the north-easterly limit of the Village of Malton.

SCHEDULE D

AGREEMENT made as of the 20th day of November, 1940,

BETWEEN:

THE CORPORATION OF THE COUNTY OF PEEL,
hereinafter called "the CORPORATION"

OF THE FIRST PART,

—and—

NATIONAL STEEL CAR CORPORATION LIMITED,
hereinafter called "the COMPANY"

OF THE SECOND PART.

WHEREAS the Council of the Corporation has by By-law Number 901, passed on the 20th day of November, 1940, granted to the Company, its successors and assigns, the powers, rights, permissions and authorities hereinafter set forth, subject to the terms and conditions herein contained;

NOW THEREFORE THIS INDENTURE WITNESSETH that the Corporation doth hereby give and grant unto the Company (which expression where the context admits shall include its successors and assigns) the power, right, permission and authority to construct, lay, use, repair, inspect, maintain, replace, remove, relocate and operate on, in through and under those portions of the highways described in Schedule "B" hereto annexed or any part or parts thereof, water mains or pipes of such sizes as the said Company may require for the conveyance of water, including all hydrants, pipes, conduits, connections, valves, stopcocks, culverts, regulators, outlets, apparatus, appliances, manholes and fixtures necessary or incidental thereto, and all pipes, regulators, valves and other appurtenances necessary for the conveyance and distribution of water to the owners and occupants of lands which abut on such portions of the said highways or near which the water mains or pipes may pass, and the right to enter at any time and from time to time into and upon such portions of the said highways by its servants, agents and workmen and with or without animals, trucks and equipment and to excavate and open the soil thereof and generally to do and perform all acts and things required, necessary, suitable or expedient or which may be required, necessary, suitable or expedient for any or all of the above purposes.

THE said water mains or pipes shall be constructed, installed and laid under the surface of the said highways and shall be constructed, installed, laid, used, repaired, inspected, maintained, replaced, removed and operated so as not to unduly obstruct or interfere with the use of the said highways or with the drains and culverts now constructed in and under the same.

THE Company shall restore the surface of the said highways to as good condition as they were in before, wherever the same shall have been broken or opened by the said Company, as soon as may be after completion of the works in the course of or for the purposes of which the said surface shall have been broken or opened, such restoration to meet with the approval of the County Roads Committee for the County of Peel and the Road Superintendent for the County of Peel.

THE Company shall indemnify and save harmless the Corporation from and against all loss, costs, charges and expenses which the Corporation may suffer or be put to by reason of any negligence on the part of the Company and its servants, agents and workmen in the construction, maintenance, operation and/or repair of the said water mains or pipes and their appurtenances.

IN the event either Party deems it necessary or advisable to obtain ratification or approval of the said By-law by the Legislature of the Province of Ontario or the Lieutenant-Governor in Council the other Party will concur and assist in obtaining such ratification, all expenses that may be incurred in order to obtain such ratification or approval to be paid by the Company.

IN the event of the Company being prevented from carrying out its obligations hereunder by reason of any cause beyond its control, the Company shall be relieved from such obligations while such disability continues.

THE rights, powers, permissions and authorities granted to the Company by this Agreement and the said By-law may be assigned to any person or Company on such person or Company executing and delivering to the Corporation a covenant under seal binding such person or Company to perform, observe and comply with all agreements, obligations and conditions herein and in the said By-law contained, but in the event that the Company should assign the powers, rights, permissions and authorities or any of them granted by the said By-law and/or this Agreement, the Company shall in all respects continue to be bound by all the terms and conditions of the said By-law and this Agreement.

THE Company agrees that in the event of any grade changes in said road allowances, widening of bridges, culverts, crossings and the like, it will on being given two months' written notice change the location of any water main or pipes or appurtenances at its own expense, if such changes are required by the County Roads Committee for the County of Peel to enable such changes in grade, widening of bridges, culverts, crossings and the like to be effected.

IN WITNESS WHEREOF the Parties hereto have executed this Indenture.

SIGNED, SEALED AND DELIVERED

in the presence of:

THE CORPORATION OF THE COUNTY
OF PEEL

"A. D. McBRIDE,
Warden. (Seal)

"DAVID WILSON,"
Clerk.

NATIONAL STEEL CAR CORPORATION
LIMITED

"R. S. HART,"
Vice-President. (Seal)

"T. H. BURCHER."

"CHAS. W. ADAM,"
Secretary.

SCHEDULE "B" referred to in the within Agreement between The Corporation of the County of Peel and National Steel Car Corporation Limited, dated as of the 20th day of November, 1940.

1. THAT portion of the road known as the Sixth Line East (being the road allowance between the Townships of Toronto and Toronto Gore and Chinguacousy and Toronto Gore) lying between the production north-easterly of the north-westerly limit of the road allowance between Lots Numbers 10 and 11 in the Sixth Concession east of Hurontario Street in the Township of Chinguacousy and the production north-easterly of the south-easterly limit of that part of Lot Number 9 in the Sixth Concession east of Hurontario Street in the Township of Toronto, more particularly described in registered Instrument Number 39216—Township of Toronto.

2. THAT portion of the Meadowvale-Malton side road lying between the production westerly of the most southerly limit of that part of Lot Number 10 in the Fifth Concession east of Hurontario Street in the Township of Toronto, more particularly described in registered Instrument Number 39218—Township of Toronto, and the north-easterly limit of the Village of Malton.

BILL

An Act to incorporate Malton
Water Company.

1st Reading

March 10th, 1941

2nd Reading

3rd Reading

MR. KENNEDY

*(Reprinted as amended by the Committee on
Private Bills.)*

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to incorporate Malton Water Company.

MR. KENNEDY

BILL

An Act to incorporate Malton Water Company.

Preamble.

WHEREAS National Steel Car Corporation Limited, a company incorporated under the laws of the Dominion of Canada, having its head office at the City of Hamilton, in the Province of Ontario, Robert James Magor, of the City of Montreal, in the Province of Quebec, Manufacturer, Glyn Osler, of the City of Toronto, in the Province of Ontario, one of His Majesty's Counsel learned in the law, Robert Shaw Hart, of the said City of Hamilton, Manufacturer, Charles Wilkinson Adam, of the said City of Hamilton, Company Executive, and Lawrence Edgar Marchant, of the said City of Toronto, Manufacturer, have by their petition prayed that an Act may be passed for the purpose of incorporating Malton Water Company and for the purposes hereinafter mentioned; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Malton Water Company constituted.

1. The said Robert James Magor, Glyn Osler, Robert Shaw Hart, Charles Wilkinson Adam and Lawrence Edgar Marchant and the persons who hereafter become shareholders therein are hereby constituted a corporation under the name "Malton Water Company", hereinafter called "the Company", for the purposes and with the powers hereinafter mentioned.

Capital.

2. The capital of the Company shall be two hundred thousand dollars divided into two thousand shares of the par value of one hundred dollars each.

Head Office.

3. The head office of the Company shall be situate in the County of Peel in the Province of Ontario and at the place therein where the business of the Company may from time to time be carried on.

Provisional Directors.

4. The provisional directors of the Company shall be the said Robert James Magor, Glyn Osler, Robert Shaw Hart, Charles Wilkinson Adam and Lawrence Edgar Marchant.

5. The Company is incorporated for the following purposes^{Objects and} and objects and shall have the following powers and authori-^{powers.}ties, namely:

- (a) To supply water to the persons and corporations named in section 6 of this Act or any of them and to do all such things as may be requisite for that purpose.
- (b) Without limiting the generality of the foregoing,—
 - (i) notwithstanding anything contained in *The Public Utilities Act* or *The Municipal Franchises Act*, and without any other authority, assent or approval than is contained in this Act, to construct and operate such works, buildings and plant and to exercise such of its powers as the Company shall deem necessary within the County of Peel in order to search and drill for and pump and extract water from the west half of lot ten in the sixth concession east of Hurontario Street in the Township of Chinguacousy, in the County of Peel, and from the existing well on the Canadian National Railway station grounds in the Village of Malton, in the County of Peel, and to transport, store and supply the same to the persons and corporations named in section 6 of this Act or any of them;
 - (ii) subject to the approval of the Ontario Municipal Board, after notice to all persons affected, and notwithstanding anything contained in *The Public Utilities Act* or *The Municipal Franchises Act*, without any other authority, assent, or approval than is required by this Act, to exercise any of its powers within the County of Peel and counties adjacent thereto or any township or townships therein, as the case may be, and to use and occupy any portion of the highways thereof for the said purposes and to search and drill for, pump, extract, store, transport and supply water to the persons and corporations named in section 6 of this Act or any of them and to construct and operate such works, buildings and plant as the Company shall deem necessary and to acquire easements, licenses, concessions, franchises, leases, rights of way and other privileges necessary or requisite in connection therewith, and to construct, lay, use,

repair, inspect, maintain, replace, remove, relocate and operate aqueducts, water mains or pipes of such sizes as the Company may require for the conveyance of water, including all hydrants, pipes, conduits, connections, valves, stop-cocks, culverts, regulators, outlets, apparatus, appliances, manholes and fixtures necessary or incidental thereto, and all pipes, regulators, valves and other appurtenances necessary for the conveyance and distribution of water;

(iii) the Ontario Municipal Board shall determine the persons affected and entitled to receive notice as aforesaid and such determination shall be final and conclusive.

(c) To acquire by purchase, lease or other title and to hold any real estate necessary for the carrying on of the undertaking of the Company and when no longer required to sell, alienate and convey the same.

Rev. Stat.,
c. 45.

(d) For and in connection with any of the aforesaid purposes and powers of the Company, and subject to compliance with the provisions of *The Lakes and Rivers Improvement Act* and any Act which may be substituted therefor and subject to the approval of the Ontario Municipal Board after notice to all persons affected, to enter on and expropriate land, and rights and easements on, over and in land, waters and water privileges and to divert any lake, river, pond, spring or stream of water as may be deemed necessary for the purposes of the Company or for protecting its source or sources for the supply of water, or preserving the purity of its water supply, provided that in any case in which the Company shall exercise the powers of expropriation hereby conferred the provisions of Part I of *The Public Utilities Act* shall *mutatis mutandis* apply thereto so far as the same are applicable thereto. The Ontario Municipal Board shall determine the persons affected and entitled to receive notice as aforesaid and such determination shall be final and conclusive.

Rev. Stat.,
c. 286.

(e) To acquire from National Steel Car Corporation Limited the plant, property and rights of all descriptions acquired by the said Company in connection with the supplying of water and all agreements made by it in connection therewith and any benefits and

obligations of National Steel Car Corporation Limited and its assigns pursuant thereto.

6. The Company may in its discretion supply water ^{Power to supply water.} to National Steel Car Corporation Limited and to Canadian Associated Aircraft Limited and their assigns, and to the owners, lessees or other occupants from time to time of the airport at the Village of Malton, in the County of Peel, and to the operators or managers from time to time of the Air Training School at or near the said Village of Malton, and to Robert Joseph Ackroyd, of the Township of Chinguacousy, in the County of Peel, Farmer, and Frederick Hostrawser, of the said Township, Farmer, and Ruth Marion Hostrawser, his wife, and their respective heirs, executors and assigns, pursuant to the agreements between such persons respectively and National Steel Car Corporation Limited and others.

7. Meetings of the shareholders, directors and executive committees of the Company shall be held at the head office of the Company or elsewhere either within or without Ontario as the directors shall from time to time direct. ^{Meetings.}

8. By-law No. 892 passed by the Council of the Corporation of the County of Peel, set forth in Schedule A hereto, the agreement dated the 19th day of January, 1940, between the Corporation of the County of Peel and National Steel Car Corporation Limited, set forth in Schedule B hereto, by-law No. 901 passed by the Council of the Corporation of the County of Peel, set forth in Schedule C hereto, and the agreement dated the 20th day of November, 1940, between the Corporation of the County of Peel and National Steel Car Corporation Limited, set forth in Schedule D hereto, all relating to the use by National Steel Car Corporation Limited of portions of highways within the County of Peel for the conveyance of water, are hereby confirmed and declared to be valid and binding on the Corporation of the County of Peel and on the ratepayers thereof. ^{By-laws 892 and 901, Peel County, and agreements thereunder, validated.}

9. Forthwith after the assignment by National Steel Car Corporation Limited to the Company of the agreements between the Corporation of the County of Peel and National Steel Car Corporation Limited, respectively dated the 19th day of January, 1940, and the 20th day of November, 1940, and the by-laws of the County of Peel pursuant to which the said agreements were executed on its behalf, and the rights and benefits thereby granted to National Steel Car Corporation Limited, and the agreement by the Company to perform, observe and comply with the agreements, obligations and conditions therein contained on the part of National Steel Car Corporation Limited, the said two agreements and the ^{By-laws and agreements to enure to Company.}

said by-laws of the Corporation of the County of Peel and the rights, privileges and benefits of National Steel Car Corporation Limited thereunder, shall enure to the benefit of the Company without further act of the said Corporation of the County of Peel or of the electors thereof.

Commence-
ment of Act. **10.** This Act shall come into force on the day upon which it receives the Royal Assent.

Short title. **11.** This Act may be cited as *The Malton Water Company Act, 1941*.

SCHEDULE A

BY-LAW NUMBER 892

OF

THE CORPORATION OF THE COUNTY OF PEEL

A By-law authorizing National Steel Car Corporation Limited to construct, install, lay, repair, inspect, maintain and operate works required for a water supply system.

WHEREAS National Steel Car Corporation Limited is the present registered owner of the following lands and premises:

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the Township of Toronto, in the County of Peel and Province of Ontario, being composed of:

FIRSTLY:

Those parts of Lots Numbers 9 and 10 in the Sixth Concession east of Hurontario Street, in the said Township as more particularly described in a Conveyance registered in the Registry Office for the Registry Division of the County of Peel on the 6th day of April, 1938, as Instrument Number 38328—Township of Toronto.

SECONDLY:

Those parts of Lots Numbers 9 and 10 in the Sixth Concession east of Hurontario Street, in the said Township as more particularly described in a conveyance registered in the said Registry Office on the 12th day of June, 1939, as Instrument Number 39216—Township of Toronto.

THIRDLY:

Those parts of Lot Number 10 in the Sixth Concession east of Hurontario Street, in the said Township, Lot Number 10 in the Fifth Concession east of Hurontario Street, in the said Township and the allowance for road between the said Concessions Five and Six as more particularly described in a Conveyance registered in the said Registry Office on the 12th day of June, 1939, as Instrument Number 39218—Township of Toronto,

on parts of which is at present erected what is known as its Malton Plant;

AND WHEREAS National Steel Car Corporation Limited has requested this Corporation to grant to it, its successors and assigns, as appurtenant to such lands and premises and every part thereof and all lands and premises which have been or may be acquired in connection with or as a part of said Plant, the power, right, permission and authority to construct, install, lay and operate and from time to time to repair, inspect, maintain and replace on, in and under the road allowance between the Townships of Toronto and Toronto Gore from the point marked "A" to the point marked "B" on the photostat of plan hereto annexed made by E. F. Roberts & Co., dated July, 1938, a watermain or mains forming part of the water supply system of National Steel Car Corporation Limited including all pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures necessary or incidental thereto with the further right to it, its successors and assigns, to attach or connect thereto pipes or mains to carry water from such water supply system to the lands and premises of any person, corporation or commission and the further power, right, permission and authority to it, its successors and assigns, to enter on and upon and to excavate and open the soil of the said road allowance from time to time for any and all of the above purposes:

AND WHEREAS this Corporation has agreed to grant the said powers, rights, permissions and authorities with respect to such part or parts of the said road allowance as is or are within and/or under the jurisdiction of this Corporation;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE COUNTY OF PEEL ENACTS as follows:

1. THAT National Steel Car Corporation, its successors and assigns, be and it is and they are hereby granted, as appurtenant to the said lands and premises hereinbefore described and every part thereof and all lands and premises which have been or may be acquired in connection with or as a part of the said Plant hereinbefore referred to, the power, right, permission and authority to construct, install, lay and operate and from time to time to repair, inspect, maintain and replace on, in and under such part or parts of the road allowance between the Townships of Toronto and Toronto Gore from the point marked "A" to the point marked "B" on the photostat of plan hereto annexed made by E. F. Roberts & Co., dated July, 1938, as is or are within and/or under the jurisdiction of this Corporation, a watermain or mains forming part of the water supply system of National Steel Car Corporation Limited including all pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures necessary or incidental thereto with the further right to National Steel Car Corporation Limited, its successors and assigns, to attach or connect thereto pipes or mains to carry water from such water supply system to the lands and premises of any person, corporation or commission and the further power, right, permission and authority to National Steel Car Corporation Limited, its successors and assigns, to enter on and upon and to excavate and open the soil of the said road allowance from time to time for any and all of the above purposes, subject to the terms and conditions of an Agreement to be entered into between the Company and the Corporation.

2. THAT A. D. McBride, the Warden, and David Wilson, the Clerk of this Corporation, be and they are hereby authorized and empowered to execute and deliver to National Steel Car Corporation Limited any grant, agreement and/or other document which may be deemed requisite and to affix the Corporate Seal thereto.

ENACTED AND PASSED this 19th day of January, 1940.

"A. D. McBRIDE."

(Seal)

"DAVID WILSON," *Clerk.*

(PLAN ATTACHED)

SCHEDULE B

INDENTURE made the 19th day of January, 1940,

BETWEEN:

THE CORPORATION OF THE COUNTY OF PEEL,
hereinafter called "the CORPORATION"

OF THE FIRST PART,

—and—

NATIONAL STEEL CAR CORPORATION LIMITED,
hereinafter called "the COMPANY"

OF THE SECOND PART.

WHEREAS the Company requested the Corporation to grant it, its successors and assigns, as appurtenant to the lands and premises more particularly described in Schedule "A" hereto annexed and every part thereof and all lands and premises which have been or may be acquired in connection with or as a part of what is known as the Malton Plant of the Company, the power, right, permission and authority to construct, install, lay and operate and from time to time to repair, inspect, maintain and replace on, in and under the road allowance between the Townships of Toronto and Toronto Gore from the point marked "A" to the point marked "B" on the photostat of plan hereto annexed made by E. F. Roberts & Co., dated July, 1938, a watermain or mains forming part of the water supply system of the Company including all pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures necessary or incidental thereto with the further right to the Company, its successors and assigns, to attach or connect thereto pipes or mains to carry water from such water supply system to the lands and premises of any person, corporation or commission and the further power, right, permission and authority to the Company, its successors and assigns, to enter on and upon and to excavate and open the soil of the said road allowance from time to time for any or all of the above purposes;

AND WHEREAS the Corporation has by By-law Number 892 passed on the 19th day of January, 1940 granted to the Company, its successors and assigns, the said powers, rights, permissions and authorities with respect to such part or parts of the said road allowance as is or are within, and/or under the jurisdiction of the Corporation;

NOW THEREFORE THIS INDENTURE WITNESSETH that in consideration of the premises the Corporation doth hereby grant unto the Company, its successors and assigns, to be used and enjoyed as appurtenant to the lands and premises more particularly described in Schedule "A" hereto annexed and every part thereof and all lands and premises which have been or may be acquired in connection with or as a part of the Malton Plant of the Company, the power, right, permission and authority to construct, install, lay and operate and from time to time to repair, inspect, maintain and replace on, in and under such part or parts of the road allowance between the Townships of Toronto and Toronto Gore from the point marked "A" to the point marked "B" on the photostat of plan hereto annexed made by E. F. Roberts & Co., dated July, 1938, as is or are within and/or under the jurisdiction of the Corporation a watermain or mains forming part of the water supply system of the Company including all pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures necessary or incidental thereto with the further right to the Company, its successors and assigns, to attach or connect thereto pipes or mains to carry water from such water supply system to the lands and premises of any person, corporation or commission and the further power, right, permission and authority to the Company, its successors and assigns, to enter on and upon and to excavate and open the soil of the said road allowance from time to time for any and all of the above purposes.

THE said watermain or mains and all pipes or mains to carry water from the said water supply system of the Company to the lands and premises of any person, corporation or commission including all pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures necessary or incidental thereto shall be laid under the said road allowance and shall be constructed, installed, laid, operated, repaired, inspected, maintained and replaced by the Company, its successors and assigns, so as not to unduly obstruct or interfere with the use of the said road allowance or with the drains and culverts now constructed in, under or upon the same.

THE Company, its successors and assigns, shall restore such part or parts of the said road allowance as is or are within and/or under the jurisdiction of the Corporation to the condition it was in prior to the completion by the Company, its successors and assigns, of any installation, construction and/or repair of the said watermain or mains including all pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures.

THE Company, its successors and assigns, shall indemnify and save harmless the Corporation from and against all loss, costs, charges and expenses which the Corporation may suffer or be put to by reason of or in consequence of any negligence on the part of the Company, its successors and assigns and its and their servants, agents and workmen in the construction, operation and/or repair of the said watermain or mains.

THE power, right, permission and authority granted to the Company does not include the power, right, permission and authority to lay or install service pipes or lateral pipes in or into the property of any person, corporation or commission except the property of a corporation which the Company owns or in which the Company has an interest.

IN WITNESS WHEREOF the Parties hereto have executed this Indenture.

SIGNED, SEALED AND DELIVERED

In the presence of:

"N. WAGNER."

THE CORPORATION OF THE COUNTY
OF PEEL

"A. D. McBRIDE,"
Warden.
(Corporate Seal)

"DAVID WILSON,"
Clerk.

NATIONAL STEEL CAR CORPORATION
LIMITED
(Corporate Seal)

"R. S. HART,"
Vice-President.

"CHAS. W. ADAM,"
Secretary.

SCHEDULE "A" referred to in the within Grant from The Corporation of the County of Peel to National Steel Car Corporation Limited, dated the 19th day of January, 1940.

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the Township of Toronto, in the County of Peel and Province of Ontario, being composed of:

FIRSTLY:

Those parts of Lots Numbers 9 and 10 in the Sixth Concession east of Hurontario Street, in the said Township as more particularly described in a Conveyance registered in the Registry Office for the Registry Division of the County of Peel on the 6th day of April, 1938, as Instrument Number 38328—Township of Toronto.

SECONDLY:

Those parts of Lots Numbers 9 and 10 in the Sixth Concession east of Hurontario Street, in the said Township as more particularly described in a Conveyance registered in the said Registry Office on the 12th day of June, 1939, as Instrument Number 39216—Township of Toronto.

THIRDLY:

Those parts of Lot Number 10 in the Sixth Concession east of Hurontario Street, in the said Township, Lot Number 10 in the Fifth Concession east of Hurontario Street in the said Township and the allowance for road between the said Concessions Five and Six as more particularly described in a Conveyance registered in the said Registry Office on the 12th day of June, 1939, as Instrument Number 39218—Township of Toronto.

(PLAN ATTACHED)

SCHEDULE C

BY-LAW NUMBER 901

OF

THE CORPORATION OF THE COUNTY OF PEEL

THE COUNCIL OF THE CORPORATION OF THE COUNTY OF PEEL ENACTS as follows:

1. THAT, subject to the terms and conditions contained in the form of Agreement hereto annexed as Schedule "A", National Steel Car Corporation Limited (hereinafter referred to as the Company, which expression where the context admits shall include its successors and assigns) be and it is and they are hereby given and granted the power, right, permission and authority to construct, lay, use, repair, inspect, maintain, replace, remove, and operate on, in, through and under those portions of the highways described in Schedule "B" hereto annexed or any part or parts thereof, water mains or pipes of such sizes as the said Company may require for the conveyance of water, including all hydrants, pipes, conduits, connections, valves, stopcocks, culverts, regulators, outlets, apparatus, appliances, manholes and fixtures necessary or incidental thereto, and all pipes, regulators, valves and other appurtenances necessary for the conveyance and distribution of water to the owners and occupants of lands which abut on such portions of the said highways or near which the water mains or pipes may pass, and the right to enter at any time and from time to time into and upon such portions of the said highways or any part thereof by its servants, agents and workmen and with or without animals, trucks and equipment and to excavate and open the soil thereof and generally to do and perform all acts and things required, necessary, suitable or expedient or which may be required, necessary, suitable or expedient for any or all of the above purposes;

2. THAT the watermain or pipe to be laid under road allowance described in paragraph 1, Schedule "B", shall be laid in the approximate location shown on general plan made by E. F. Roberts & Co., and being No. 431, dated November 6, 1940, a blue print of which is attached to this By-law and not closer to the travelled portion of the road allowance than the centre line of the ditches now on the said road allowance save and except where the said watermain or pipes cross the road at Station 264 plus 00 and at Station 330 plus 18;

3. THAT in the event either Party deems it necessary or advisable to obtain ratification or approval of this By-law by the Legislature of the Province of Ontario or the Lieutenant-Governor in Council, the other Party will concur and assist in obtaining such ratification; all expense that may be incurred in order to obtain such ratification or approval to be paid by the Company;

4. THAT an Agreement in the form of that hereto annexed as Schedule "A" shall be prepared and executed forthwith by the Parties hereto, and A. D. McBride, the Warden, and David Wilson, the Clerk of this Corporation, be and they are hereby authorized and empowered to execute the said Agreement on behalf of this Corporation and to affix the Corporate Seal of the Corporation thereto;

5. THAT the powers, rights and permissions and authorities granted to the said Company by this By-law and/or the last mentioned Agreement may be assigned by the said Company to any person or Company upon such person or Company executing and delivering to this Corporation a covenant under seal binding such person or Company to perform, observe and comply with the agreements, obligations and conditions contained in the hereinbefore mentioned Agreement, but in the event that the company should assign the powers, rights and permissions or any of them

granted by this By-law and/or the Agreement which is Schedule "A" to this By-law, the company shall in all respects continue to be bound by all the terms and conditions of this By-law and the Agreement annexed hereto;

6. THAT similar powers, rights and permissions granted to the said company by this By-law and/or Agreement may be granted to any other company, person or persons.

ENACTED AND PASSED this 20th day of November, 1940.

APPROVED:

"A. D. McBRIDE,"
Warden.

.....
County Road Superintendent.

"DAVID WILSON,"
Clerk.

(PLAN ATTACHED)

SCHEDULE "A" referred to in By-law Number 901 of the Corporation of the County of Peel.

AGREEMENT made as of the day of November, 1940,

BETWEEN:

THE CORPORATION OF THE COUNTY OF PEEL,
hereinafter called "the CORPORATION"

OF THE FIRST PART,

—and

NATIONAL STEEL CAR CORPORATION LIMITED,
hereinafter called "the COMPANY"

OF THE SECOND PART.

WHEREAS the Council of the Corporation has by By-law Number 901, passed on the 20th day of November, 1940, granted to the Company, its successors and assigns, the powers, rights, permissions and authorities hereinafter set forth, subject to the terms and conditions herein contained;

NOW THEREFORE THIS INDENTURE WITNESSETH that the Corporation doth hereby give and grant unto the Company (which expression where the context admits shall include its successors and assigns) the power, right, permission and authority to construct, lay, use, repair, inspect, maintain, replace, remove, relocate and operate on, in, through and under those portions of the highways described in Schedule "B" hereto annexed or any part or parts thereof, water mains or pipes of such sizes as the said Company may require for the conveyance of water, including all hydrants, pipes, conduits, connections, valves, stopcocks, culverts, regulators, outlets, apparatus, appliances, manholes and fixtures necessary or incidental thereto, and all pipes, regulators, valves and other appurtenances necessary for the conveyance and distribution of water to the owners and occupants of lands which abut on such portions of the said highways or near which the water mains or pipes may pass, and the right to enter at any time and from time to time into and upon such portions of the said highways by its servants, agents and workmen and with or without animals, trucks and equipment and to excavate and open the soil thereof and generally to do and perform all acts and things required, necessary, suitable or expedient or which may be required, necessary, suitable or expedient for any or all of the above purposes.

THE said water mains or pipes shall be constructed, installed and laid under the surface of the said highways and shall be constructed, installed, laid, used, repaired, inspected, maintained, replaced, removed and operated so as not to unduly obstruct or interfere with the use of the said highways or with the drains and culverts now constructed in and under the same.

THE Company shall restore the surface of the said highways to as good condition as they were in before, wherever the same shall have been

broken or opened by the said Company, as soon as may be after completion of the works in the course of or for the purposes of which the said surface shall have been broken or opened, such restoration to meet with the approval of the County Roads Committee for the County of Peel and the Road Superintendent for the County of Peel.

THE Company shall indemnify and save harmless the Corporation from and against all loss, costs, charges and expenses which the Corporation may suffer or be put to by reason of any negligence on the part of the Company and its servants, agents and workmen in the construction, maintenance, operation and/or repair of the said water mains or pipes and their appurtenances.

IN the event either Party deems it necessary or advisable to obtain ratification or approval of the said By-law by the Legislature of the Province of Ontario or the Lieutenant-Governor in Council the other Party will concur and assist in obtaining such ratification, all expenses that may be incurred in order to obtain such ratification or approval to be paid by the Company.

IN the event of the Company being prevented from carrying out its obligations hereunder by reason of any cause beyond its control, the Company shall be relieved from such obligations while such disability continues.

THE rights, powers, permissions and authorities granted to the Company by this Agreement and the said By-law may be assigned to any person or Company on such person or Company executing and delivering to the Corporation a covenant under seal binding such person or Company to perform, observe and comply with all agreements, obligations and conditions herein and in the said By-law contained, but in the event that the Company should assign the powers, rights, permissions and authorities or any of them granted by the said By-law and/or this Agreement, the Company shall in all respects continue to be bound by all the terms and conditions of the said By-law and this Agreement.

THE Company agrees that in the event of any grade changes in said road allowances, widening of bridges, culverts, crossings and the like, it will on being given two months' written notice change the location of any water main or pipes or appurtenances at its own expense, if such changes are required by the County Roads Committee for the County of Peel to enable such changes in grade, widening of bridges, culverts, crossings and the like to be effected.

IN WITNESS WHEREOF the Parties hereto have executed this Indenture.

SIGNED, SEALED AND DELIVERED
in the presence of:

THE CORPORATION OF THE COUNTY
OF PEEL

.....
Warden.

.....
Clerk.

NATIONAL STEEL CAR CORPORATION
LIMITED

.....
.....

SCHEDULE "B" referred to in By-law Number 901
of The Corporation of the County of Peel.

1. THAT portion of the road known as the Sixth Line East (being the road allowance between the Townships of Toronto and Toronto Gore and Chinguacousy and Toronto Gore) lying between the production north-easterly of the north-westerly limit of the road allowance between Lots Numbers 10 and 11 in the Sixth Concession east of Hurontario Street in

the Township of Chinguacousy and the production north-easterly of the south-easterly limit of that part of Lot Number 9 in the Sixth Concession east of Hurontario Street in the Township of Toronto, more particularly described in registered Instrument Number 39216—Township of Toronto;

2. THAT portion of the Meadowvale-Malton side road lying between the production westerly of the most southerly limit of that part of Lot Number 10 in the Fifth Concession east of Hurontario Street in the Township of Toronto, more particularly described in registered Instrument Number 39218—Township of Toronto, and the north-easterly limit of the Village of Malton.

SCHEDULE D

AGREEMENT made as of the 20th day of November, 1940,

BETWEEN:

THE CORPORATION OF THE COUNTY OF PEEL,
hereinafter called "the CORPORATION"

OF THE FIRST PART,

—and—

NATIONAL STEEL CAR CORPORATION LIMITED,
hereinafter called "the COMPANY"

OF THE SECOND PART.

WHEREAS the Council of the Corporation has by By-law Number 901, passed on the 20th day of November, 1940, granted to the Company, its successors and assigns, the powers, rights, permissions and authorities hereinafter set forth, subject to the terms and conditions herein contained;

NOW THEREFORE THIS INDENTURE WITNESSETH that the Corporation doth hereby give and grant unto the Company (which expression where the context admits shall include its successors and assigns) the power, right, permission and authority to construct, lay, use, repair, inspect, maintain, replace, remove, relocate and operate on, in through and under those portions of the highways described in Schedule "B" hereto annexed or any part or parts thereof, water mains or pipes of such sizes as the said Company may require for the conveyance of water, including all hydrants, pipes, conduits, connections, valves, stopcocks, culverts, regulators, outlets, apparatus, appliances, manholes and fixtures necessary or incidental thereto, and all pipes, regulators, valves and other appurtenances necessary for the conveyance and distribution of water to the owners and occupants of lands which abut on such portions of the said highways or near which the water mains or pipes may pass, and the right to enter at any time and from time to time into and upon such portions of the said highways by its servants, agents and workmen and with or without animals, trucks and equipment and to excavate and open the soil thereof and generally to do and perform all acts and things required, necessary, suitable or expedient or which may be required, necessary, suitable or expedient for any or all of the above purposes.

THE said water mains or pipes shall be constructed, installed and laid under the surface of the said highways and shall be constructed, installed, laid, used, repaired, inspected, maintained, replaced, removed and operated so as not to unduly obstruct or interfere with the use of the said highways or with the drains and culverts now constructed in and under the same.

THE Company shall restore the surface of the said highways to as good condition as they were in before, wherever the same shall have been broken or opened by the said Company, as soon as may be after completion of the works in the course of or for the purposes of which the said surface shall have been broken or opened, such restoration to meet with the approval of the County Roads Committee for the County of Peel and the Road Superintendent for the County of Peel.

THE Company shall indemnify and save harmless the Corporation from and against all loss, costs, charges and expenses which the Corporation may suffer or be put to by reason of any negligence on the part of the Company and its servants, agents and workmen in the construction, maintenance, operation and/or repair of the said water mains or pipes and their appurtenances.

IN the event either Party deems it necessary or advisable to obtain ratification or approval of the said By-law by the Legislature of the Province of Ontario or the Lieutenant-Governor in Council the other Party will concur and assist in obtaining such ratification, all expenses that may be incurred in order to obtain such ratification or approval to be paid by the Company.

IN the event of the Company being prevented from carrying out its obligations hereunder by reason of any cause beyond its control, the Company shall be relieved from such obligations while such disability continues.

THE rights, powers, permissions and authorities granted to the Company by this Agreement and the said By-law may be assigned to any person or Company on such person or Company executing and delivering to the Corporation a covenant under seal binding such person or Company to perform, observe and comply with all agreements, obligations and conditions herein and in the said By-law contained, but in the event that the Company should assign the powers, rights, permissions and authorities or any of them granted by the said By-law and/or this Agreement, the Company shall in all respects continue to be bound by all the terms and conditions of the said By-law and this Agreement.

THE Company agrees that in the event of any grade changes in said road allowances, widening of bridges, culverts, crossings and the like, it will on being given two months' written notice change the location of any water main or pipes or appurtenances at its own expense, if such changes are required by the County Roads Committee for the County of Peel to enable such changes in grade, widening of bridges, culverts, crossings and the like to be effected.

IN WITNESS WHEREOF the Parties hereto have executed this Indenture.

SIGNED, SEALED AND DELIVERED

in the presence of:

THE CORPORATION OF THE COUNTY
OF PEEL

"A. D. McBRIDE,
Warden. (Seal)
"DAVID WILSON,"
Clerk.

NATIONAL STEEL CAR CORPORATION
LIMITED

"R. S. HART,"
Vice-President. (Seal)
"CHAS. W. ADAM,"
Secretary.

"T. H. BURCHER."

SCHEDULE "B" referred to in the within Agreement between The Corporation of the County of Peel and National Steel Car Corporation Limited, dated as of the 20th day of November, 1940.

1. THAT portion of the road known as the Sixth Line East (being the road allowance between the Townships of Toronto and Toronto Gore and Chinguacousy and Toronto Gore) lying between the production north-easterly of the north-westerly limit of the road allowance between Lots Numbers 10 and 11 in the Sixth Concession east of Hurontario Street in the Township of Chinguacousy and the production north-easterly of the south-easterly limit of that part of Lot Number 9 in the Sixth Concession east of Hurontario Street in the Township of Toronto, more particularly described in registered Instrument Number 39216—Township of Toronto.

2. THAT portion of the Meadowvale-Malton side road lying between the production westerly of the most southerly limit of that part of Lot Number 10 in the Fifth Concession east of Hurontario Street in the Township of Toronto, more particularly described in registered Instrument Number 39218—Township of Toronto, and the north-easterly limit of the Village of Malton.



BILL

An Act to incorporate Malton
Water Company.

1st Reading

March 10th, 1941

2nd Reading

March 31st, 1941

3rd Reading

April 7th, 1941

MR. KENNEDY

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act respecting National Steel Car Corporation, Limited.

MR. KENNEDY

(PRIVATE BILL)

BILL

An Act respecting National Steel Car Corporation, Limited.

Preamble.

WHEREAS National Steel Car Corporation Limited, hereinafter called the "Company", has by its petition represented that it is the owner of the lands in the Township of Toronto, in the County of Peel described in Schedule A hereto on part or parts of which the Company has erected what is commonly known as its Malton Plant; that the Corporation of the County of Peel, the Corporation of the Township of Toronto, the Corporation of the Township of Toronto Gore and the Board of Trustees of the Police Village of Malton have respectively granted to the Company, its successors and assigns, by the respective by-laws and agreements set forth in Schedules B, C, D and E hereto, the power, right, permission and authority to use portions of the highways in the County of Peel known as the Sixth Line East (being the road allowance between the Townships of Toronto and Toronto Gore and other townships) and the Meadowvale-Malton side road (being the road allowance between lots numbers 10 and 11 in the seventh concession in the Southern Division of the Township of Toronto Gore and other concessions and townships) for constructing, maintaining and operating thereunder a sewer or sewers forming part of the sewage disposal and drainage system of the Company, including the fixtures and apparatus necessary or incidental thereto, and the right to attach or connect to such system the sewage disposal and drainage systems of any person, corporation or commission; that the Company obtained a grant of the right and easement to construct, maintain and operate a sewer or sewers on, in and under that part of the west half of lot number 11 in the seventh concession in the Southern Division of the Township of Toronto Gore described in Schedule F hereto and to drain, empty and discharge from its sewage disposal and drainage system into a creek running through part of the said lot number 11; that the Company has constructed and is maintaining and operating a sewage disposal plant and drainage system on the lands described in Schedule A hereto or part or parts thereof and, pursuant to the said by-laws, the said grant of easement and the said agreements, has con-

structed and is maintaining and operating a sewer or system of sewers and drains on, in and under portions of the said highways and on, in and under the lands described in Schedule F hereto, and is disposing of the effluent therefrom into a creek or watercourse or the bed thereof running through part of the west half of said lot number 11 and other lands; and that the above mentioned portions of the said highways now form part of the county road system of the Corporation of the County of Peel; and whereas the Company has by its petition prayed for special legislation in respect of the matters herein-after set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Peel County
By-law 886,
Toronto
Township
by-law 1247,
Toronto
Gore
Township
by-law 620,
Malton
Village
by-law and
agreements
validated.

1. By-law number 886 passed by the council of the Corporation of the County of Peel on the 14th day of June, 1939, and the agreement relating thereto dated the 15th day of June, 1939, between the said Corporation and the Company set forth in Schedule B hereto; by-law number 1247 passed by the council of the Corporation of the Township of Toronto on the 22nd day of June, 1939, and the agreement relating thereto dated the 22nd day of June, 1939, between the said Corporation and the Company set forth in Schedule C hereto; by-law number 620 passed by the council of the Corporation of the Township of Toronto Gore on the 15th day of June, 1939, and the agreement relating thereto dated the 15th day of June, 1939, between the said Corporation and the Company set forth in Schedule D hereto and the by-law passed by the trustees of the police village of Malton on the 28th day of June, 1939, and the agreement relating thereto dated the 28th day of June, 1939, between the said trustees and the Company set forth in Schedule E hereto are and each of them is hereby validated and confirmed and declared to be legal, valid and binding upon the municipal corporation or police village by whose council or board of trustees such by-law was passed and upon the ratepayers thereof and upon the Corporation of the County of Peel and upon the ratepayers thereof without any further act of the said municipal corporations or of the said police village or of the electors of the said municipal corporations or of the said police village.

Company's
powers.

2. The Company, its successors and assigns, shall have power to and may,—

- (a) construct, install, lay, repair, inspect, maintain, alter, replace, remove, use and operate a sewage disposal plant or plants and drainage system and

all appurtenances thereto on, in or under any part or parts of the lands described in Schedule A hereto;

- (b) construct, install, lay, repair, inspect, maintain, alter, replace, remove, use and operate in connection with such sewage disposal plant or plants and drainage system, a sewer or system of sewers and drains, including all mains, pipes, conduits, connections, apparatus, appliances, manholes, outlets and fixtures necessary or incidental thereto, in approximately their present position in and under the highways in the County of Peel known as the Sixth Line East (being the road allowance between the Townships of Toronto and Toronto Gore and other townships) and the Meadowvale-Malton side road (being the road allowance between lots numbers 10 and 11 in the seventh concession in the Southern Division of the Township of Toronto Gore and other concessions and townships) and on, in and under that part of the west half of lot number 11 in the seventh concession in the Southern Division in the Township of Toronto Gore described in Schedule F hereto, and on, in or under such other lands as the Company, its successors and assigns, may from time to time own, or over which it or they may from time to time have an easement for such purpose;
- (c) enter into and upon the highways mentioned in clause *b* or any part thereof at any time and from time to time by officers, servants, agents or workmen and with or without animals, vehicles and equipment and excavate and open such highways for any or all of the above purposes;
- (d) attach or connect to such sewage disposal plant or plants, the sewers, and to the sewer or system of sewers and drains used, maintained and operated in connection with such drainage system, the drains, from lands, buildings and premises in the vicinity of the lands described in Schedule A hereto or any part thereof;
- (e) drain, empty, discharge and dispose of the effluent from such sewage disposal plant or plants and drainage system and the sewer or system of sewers and drains used, maintained and operated in connection therewith into the creek or watercourse or the bed thereof which runs through part of the west half of lot number 11 in the seventh concession in the Southern Division of the Township of Toronto Gore and other lands and which is mentioned in Schedule F hereto; and

- (f) generally do and perform all acts and things required, necessary, suitable or expedient or which may be required, necessary, suitable or expedient for any or all of the above purposes.

Department
of Health,
approval of

3.—(1) The plans and specifications of such sewage disposal plant or plants and drainage system and the sewer or system of sewers and drains and the site for the discharge of the effluent therefrom shall be approved by the Department of Health for Ontario and all sanitary sewage and other waste shall be treated in such manner and to such degree as may from time to time be directed by the said Department and no change shall be made in the construction of the sewage disposal plant or plants nor in the site for the discharge of the effluent therefrom without the approval of the said Department.

Idem.

(2) When such approval has been given by the said Department it shall be conclusive evidence that such sewage disposal plant or plants and drainage system and the sewer or system of sewers and drains used, maintained and operated in connection therewith and the site for the discharge of the effluent therefrom have been constructed, installed, laid, changed and selected, as the case may be, in accordance with the powers granted to the Company, its successors and assigns, by this Act.

Power to
enter upon
creek.

4. In connection with the use, maintenance and operation of such sewage disposal plant or plants and drainage system and of the sewer or system of sewers and drains used, maintained and operated in connection therewith and the disposal of the effluent therefrom, the Company, its successors and assigns, and its and their officers, servants, agents and workmen shall have power to and may enter into and upon the whole course or any part of the creek or watercourse referred to in clause *e* of section 2, and the banks and bed thereof at any time and from time to time and examine the same, and, subject to the approval of the Department of Health for Ontario and with or without animals, vehicles and equipment, deepen, clear of obstruction or otherwise improve the said creek or watercourse or the bed, course or channel thereof.

Assignment
of by-laws
and agree-
ments.

5. The agreements and the powers and privileges conferred upon the Company under the by-laws referred to in section 1 may be assigned to any person or company upon such person or company executing and delivering to the Corporation of the County of Peel a covenant under seal binding such person or company to perform, observe and comply with all the obligations, regulations and conditions therein contained remaining to be complied with, observed and performed.

This Act to
enure to the
benefit of
the
Company.

6. This Act, including the said by-laws and agreements, shall enure to the benefit of and shall be binding upon the Company, its successors and assigns.

Provisions
in case of
conflict.

7. In case of conflict between the provisions of this and any other Act or any restriction or covenant, registered, municipal or otherwise, the provisions of this Act shall govern.

Commence-
ment of Act.

8. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

9. This Act may be cited as *The National Steel Car Corporation Limited Sewage Disposal Act, 1941*.

SCHEDULE A

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the Township of Toronto, in the County of Peel and Province of Ontario being composed of:

FIRSTLY:

Those parts of Lots Numbers 9 and 10 in the Sixth Concession east of Hurontario Street, in the Township of Toronto, in the County of Peel and Province of Ontario, as more particularly described in a Conveyance registered in the Registry Office for the Registry Division of the County of Peel on the 6th day of April, 1938 as Instrument Number 38328—Township of Toronto.

SECONDLY:

Those parts of Lots Numbers 9 and 10 in the Sixth Concession east of Hurontario Street in the said Township as more particularly described in a Conveyance registered in the said Registry Office on the 12th day of June, 1939 as Instrument Number 39216—Township of Toronto.

THIRDLY:

Those parts of Lot Number 10 in the Sixth Concession east of Hurontario Street in the said Township, Lot Number 10 in the Fifth Concession east of Hurontario Street in the said Township and the allowance for road between the said Concessions Five and Six as more particularly described in a Conveyance registered in the said Registry Office on the 12th day of June, 1939 as Instrument Number 39218—Township of Toronto.

SAVING AND EXCEPTING out of and from the said parcels of lands and premises, or any of them, the lands conveyed to The Hydro-Electric Power Commission of Ontario.

SCHEDULE B

BY-LAW NUMBER 886

OF

THE CORPORATION OF THE COUNTY OF PEEL

A by-law authorizing National Steel Car Corporation Limited to construct, install, lay, repair, inspect, maintain and operate works required for a sewage disposal and drainage system.

WHEREAS National Steel Car Corporation Limited is the present registered owner of the following lands and premises:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Toronto, in the County of Peel and Province of Ontario being composed of that part of Lot Number 9 in the Sixth Concession east of Hurontario Street as more particularly described in a Conveyance registered in the Registry Office for the Registry Division of the County of Peel as Instrument Number 38328—Township of Toronto,

on which is at present erected what is known as its Malton Plant;

AND WHEREAS National Steel Car Corporation Limited has requested this Corporation to grant it, as appurtenant to such lands and premises and all lands and premises which have been or may be acquired by it in connection with or as a part of its said Plant, the power, right, permission and authority to use and occupy the road allowance between the Townships of Toronto and Gore of Toronto and the road allowance between Lots Numbers 10 and 11 in the Seventh Concession of the Township of Toronto Gore from the point marked "A" to the point marked "B" on the photostat of plan hereto annexed made by K. H. Darling and dated the 1st day of June, 1939, for the purposes of excavating and opening the soil thereof from time to time and constructing, installing, laying, repairing, inspecting, maintaining and operating thereunder a sewer or sewers forming part of the proposed sewage disposal and drainage system of National Steel Car Corporation Limited, including sewers, pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures necessary or incidental thereto with the right to attach or connect thereto the sewage disposal and/or drainage systems of any other person, corporation or commission;

AND WHEREAS this Corporation has agreed to grant the said power, right, permission and authority with respect to such part or parts of the said road allowances as is or are within and/or under the jurisdiction of this Corporation;

NOW THEREFORE the Council of the Corporation of the County of Peel enacts as follows:

1. That National Steel Car Corporation Limited, its successors and assigns, be and it is and they are hereby granted the power, right, permission and authority as appurtenant to its said lands and premises hereinbefore described and all lands and premises which have been or may be acquired by it in connection with or as a part of its said Malton Plant, to use and occupy such part or parts of the road allowance between the Townships of Toronto and the Gore of Toronto and the road allowance between Lots Numbers 10 and 11 in the Seventh Concession of the Township of Toronto Gore as is or are within and/or under the jurisdiction of this Corporation from the point marked "A" to the point marked "B" on the photostat of plan hereto annexed made by K. H. Darling and dated the 1st day of June, 1939, for the purposes of excavating and opening the soil thereof from time to time and constructing, installing, laying,

repairing, inspecting, maintaining and operating thereunder a sewer or sewers forming part of the proposed sewage disposal and drainage system of National Steel Car Corporation Limited, including the sewers, pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures necessary or incidental thereto with the right to attach or connect thereto the sewage disposal and/or drainage systems of any other person, corporation or commission;

2. That Warden, the Clerk, and the Engineer of this Corporation be and they are hereby authorized and empowered to execute and deliver any grant and/or agreement which may be necessary or requisite and to affix the Corporate Seal thereto.

ENACTED AND PASSED this 14th day of June, 1939.

(Warden) "W. A. BATES,"

"DAVID WILSON,"

Clerk.

"N. L. POWELL,"

County Engineer.

(Seal)

(PLAN ATTACHED)

AGREEMENT made the 15th day of June, 1939,

BETWEEN:

THE CORPORATION OF THE COUNTY OF PEEL,
hereinafter called "the CORPORATION"

OF THE FIRST PART.

—and—

NATIONAL STEEL CAR CORPORATION LIMITED,
hereinafter called "the COMPANY"

OF THE SECOND PART.

WHEREAS the Company has requested the Corporation to grant it the power, right, permission and authority to use and occupy the road allowance between the Townships of Toronto and the Gore of Toronto and the road allowance between Lots Numbers 10 and 11 in the Seventh Concession of the Township of Toronto Gore from the point marked "A" to the point marked "B" on the photostat of plan hereto annexed made by K. H. Darling and dated the 1st day of June, 1939, for the purposes of excavating and opening the soil thereof from time to time and constructing, installing, laying, repairing, inspecting, maintaining and operating thereunder a sewer or sewers forming part of the proposed sewage disposal and drainage system of the Company, including sewers, pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures necessary or incidental thereto with the right to attach or connect thereto the sewage disposal and/or drainage systems of any other person, corporation or commission;

AND WHEREAS the Corporation has by By-law Number 886 passed on the 14th day of June, 1939 granted the said power, right, permission and authority with respect to such part or parts of the said road allowances as is or are within and/or under the jurisdiction of the Corporation, as appurtenant to the lands and premises at present comprising the Malton Plant of the Company, more particularly described in Schedule "A" hereto annexed, and all lands and premises which may have been or may be acquired by the Company in connection with or as a part of its said Plant;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises the Corporation doth hereby grant to the Company, its successors and assigns, to be used and enjoyed, as appurtenant to the lands and premises at present comprising the Malton Plant of the Company more particularly described in Schedule "A" hereto annexed and all lands and premises which have been or may be acquired by the Com-

pany in connection with or as a part of its said Plant, the power, right, permission and authority to use and occupy such part or parts of the road allowance between the Townships of Toronto and the Gore of Toronto and the road allowance between Lots Numbers 10 and 11 in the Seventh Concession of the Township of Toronto Gore as is or are within and/or under the jurisdiction of the Corporation from the point marked "A" to the point marked "B" on the photostat of plan hereto annexed made by K. H. Darling and dated the 1st day of June, 1939, for the purposes of excavating and opening the soil thereof from time to time and constructing, installing, laying, repairing, inspecting, maintaining and operating thereunder a sewer or sewers forming part of the proposed sewage disposal and drainage system of the Company, including the sewers, pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures necessary or incidental thereto with the right to attach or connect thereto the sewage disposal and/or drainage systems of any other person, corporation or commission.

THE said sewer or sewers, including pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures shall be laid under the said road allowances and shall be constructed, installed, laid, repaired, inspected, maintained and operated so as not to unduly obstruct or interfere with the use of the said road allowances or with the drains and culverts now constructed in, under or upon the same.

THE Company shall restore the said road allowances to the conditions they were in prior to the completion of any installation, construction and/or repair of the said sewer or sewers, including pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures.

THE Company shall indemnify and save harmless the Corporation from and against all loss, costs, charges and expenses which the Corporation may suffer or be put to by reason of or in consequence of any negligence on the part of the Company, its servants, agents and workmen, in the construction, operation and/or repair of the said sewer or sewers.

IN WITNESS WHEREOF the parties hereto have caused these presents to be executed under their respective Corporate Seals, by their respective officers in that behalf.

SIGNED, SEALED AND DELIVERED

In the presence of:

"E. D. MAGUIRE."

(Seal)

"N. WAGNER."

THE CORPORATION OF THE COUNTY
OF PEEL

"W. A. BATES,"
Warden.

"DAVID WILSON,"
Clerk.

"N. L. POWELL,"
County Engineer.

NATIONAL STEEL CAR CORPORATION
LIMITED

"R. S. HART,"
Vice-President.

"CHAS. W. ADAM,"
Secretary.

(Seal)

SCHEDULE "A" referred to in the annexed Agreement made between The Corporation of the County of Peel and National Steel Car Corporation Limited, dated the 15th day of June, 1939.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Toronto, in the County of Peel and Province of Ontario being composed of that part of Lot Number 9 in the Sixth Concession east of Hurontario Street as more particularly described in a Conveyance registered in the Registry Office for the Registry Division of the County of Peel as Instrument Number 38328—Township of Toronto.

(PLAN ATTACHED)

SCHEDULE C

BY-LAW NUMBER 1247

OF

THE CORPORATION OF THE TOWNSHIP OF TORONTO

A By-law authorizing National Steel Car Corporation Limited to construct, install, lay, repair, inspect, maintain and operate works required for a sewage disposal and drainage system.

WHEREAS National Steel Car Corporation Limited is the present registered owner of the following lands and premises:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Toronto, in the County of Peel and Province of Ontario being composed of those parts of Lots Numbers 9 and 10 in the Sixth Concession east of Hurontario Street as more particularly described in a Conveyance registered in the Registry Office for the Registry Division of the County of Peel as Instrument Number 38328—Township of Toronto,

on which is at present erected what is known as its Malton Plant;

AND WHEREAS National Steel Car Corporation Limited has requested this Corporation to grant it, as appurtenant to such lands and premises and all lands and premises which have been or may be acquired by it in connection with or as a part of its said Plant, the power, right, permission and authority to use and occupy the road allowance between the Townships of Toronto and Gore of Toronto and the road allowance between Lots Numbers 10 and 11 in the Seventh Concession of the Township of Toronto Gore from the point marked "A" to the point marked "B" on the photostat of plan hereto annexed made by K. H. Darling and dated the 1st day of June, 1939 for the purposes of excavating and opening the soil thereof from time to time and constructing, installing, laying, repairing, inspecting, maintaining and operating thereunder a sewer or sewers forming part of the proposed sewage disposal and drainage system of National Steel Car Corporation Limited, including sewers, pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures necessary or incidental thereto with the right to attach or connect thereto the sewage disposal and/or drainage systems of any other person, corporation or commission;

AND WHEREAS this Corporation has agreed to grant the said power, right, permission and authority with respect to such part or parts of the said road allowances as is or are within and/or under the jurisdiction of this Corporation;

AND WHEREAS the Trustees of the Police Village of Malton have consented and have requested this Corporation to grant the said power, right, permission and authority with respect to such parts of the said road allowances as are within the limits of the said Village;

NOW THEREFORE the Council of the Corporation of the Township of Toronto enacts as follows:

1. That National Steel Car Corporation Limited, its successors and assigns, be and it is and they are hereby granted the power, right, permission and authority, as appurtenant to its said lands and premises hereinbefore described and all lands and premises which have been or may be acquired by it in connection with or as a part of its said Malton Plant, to use and occupy such part or parts of the road allowance between the Townships of Toronto and the Gore of Toronto and the road allowance between Lots Numbers 10 and 11 in the Seventh Concession of the Town-

ship of Toronto Gore as is or are within and/or under the jurisdiction of this Corporation from the point marked "A" to the point marked "B" on the photostat of plan hereto annexed made by K. H. Darling and dated the 1st day of June, 1939, for the purposes of excavating and opening the soil thereof from time to time and constructing, installing, laying, repairing, inspecting, maintaining and operating thereunder a sewer or sewers forming part of the proposed sewage disposal and drainage system of National Steel Car Corporation Limited, including the sewers, pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures necessary or incidental thereto with the right to attach or connect thereto the sewage disposal and/or drainage systems of any other person, corporation or commission;

2. That E. D. Maguire, the Reeve, and J. H. Pinchin, the Clerk of this Corporation be and they are hereby authorized and empowered to execute and deliver any grant and/or agreement which may be necessary or requisite and to affix the Corporate Seal thereto.

ENACTED AND PASSED this 22nd day of June, 1939.

"E. D. MAGUIRE,"

Reeve.

"J. H. PINCHIN," (Seal)

Clerk.

(PLAN ATTACHED)

AGREEMENT made the 22nd day of June, 1939,

BETWEEN:

THE CORPORATION OF THE TOWNSHIP OF TORONTO,
hereinafter called "the CORPORATION"

OF THE FIRST PART.

—and—

NATIONAL STEEL CAR CORPORATION LIMITED,
hereinafter called "the COMPANY"

OF THE SECOND PART,

WHEREAS the Company has requested the Corporation to grant it the power, right, permission and authority to use and occupy the road allowance between the Townships of Toronto and the Gore of Toronto and the road allowance between Lots Numbers 10 and 11 in the Seventh Concession of the Township of Toronto Gore from the point marked "A" to the point marked "B" on the photostat of plan hereto annexed made by K. H. Darling and dated the 1st day of June, 1939, for the purposes of excavating and opening the soil thereof from time to time and constructing, installing, laying, repairing, inspecting, maintaining and operating thereunder a sewer or sewers forming part of the proposed sewage disposal and drainage system of the Company, including the sewers, pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures necessary or incidental thereto with the right to attach or connect thereto the sewage disposal and/or drainage systems of any other person, corporation or commission;

AND WHEREAS the Corporation has by By-law Number 1247 passed on the 22nd day of June, 1939 granted the said power, right, permission and authority with respect to such part or parts of the said road allowances as is or are within and/or under the jurisdiction of the Corporation, as appurtenant to the lands and premises at present comprising the Malton Plant of the Company, more particularly described in Schedule "A" hereto annexed, and all lands and premises which may have been or may be acquired by the Company in connection with or as a part of its said Plant;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises the Corporation doth hereby grant to the Company, its successors and assigns, to be used and enjoyed, as appurtenant to the lands and premises at present comprising the Malton Plant of the Company more particularly described in Schedule "A" hereto annexed and all lands and premises which have been or may be acquired by the Company in connection with or as a part of its said Plant, the power, right, permission and authority to use and occupy such part or parts of the road allowance between the Townships of Toronto and the Gore of Toronto and the road allowance between Lots Numbers 10 and 11 in the Seventh Concession of the Township of Toronto Gore as is or are within and/or under the jurisdiction of the Corporation from the point marked "A" to the point marked "B" on the photostat of plan hereto annexed made by K. H. Darling and dated the 1st day of June, 1939, for the purposes of excavating and opening the soil thereof from time to time and constructing, installing, laying, repairing, inspecting, maintaining and operating thereunder a sewer or sewers forming part of the proposed sewage disposal and drainage system of the Company, including the sewers, pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures necessary or incidental thereto with the right to attach or connect thereto the sewage disposal and/or drainage systems of any other person, corporation or commission.

THE said sewer or sewers, including pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures shall be laid under the said road allowances and shall be constructed, installed, laid, repaired, inspected, maintained and operated so as not to unduly obstruct or interfere with the use of the said road allowances or with the drains and culverts now constructed in, under or upon the same.

THE Company shall restore the said road allowances to the conditions they were in prior to the completion of any installation, construction and/or repair of the said sewer or sewers, including pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures.

THE Company hereby covenants and agrees with the Corporation that in the event of the formation of an area (which would include the said lands and premises of the Company) requiring local improvements, it will not object to the construction of the local improvements required by such petition.

THE Company shall indemnify and save harmless the Corporation from and against all loss, costs, charges and expenses which the Corporation may suffer or be put to by reason of or in consequence of the construction, operation, maintenance and/or repair of the said sewer or sewers.

IN WITNESS WHEREOF the parties hereto have caused these presents to be executed under their respective Corporate Seals, by their respective officers in that behalf.

<p>SIGNED, SEALED AND DELIVERED</p> <p>In the presence of:</p> <p>"CLARA DENISON."</p> <p>"I. A. KENDALL."</p>	<p>THE CORPORATION OF THE TOWNSHIP OF TORONTO</p> <p>"E. D. MAGUIRE," <i>Reeve.</i> (Seal)</p> <p>"J. H. PINCHIN," <i>Clerk.</i></p> <p>NATIONAL STEEL CAR CORPORATION LIMITED</p> <p>"R. S. HART," <i>Vice-President.</i> (Seal)</p> <p>"CHAS. W. ADAM," <i>Secretary.</i></p>
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SCHEDULE "A" referred to in the annexed Agreement made between The Corporation of the Township of Toronto and National Steel Car Corporation Limited, dated the 22nd day of June, 1939.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Toronto, in the County of Peel and Province of Ontario being composed of those parts of Lots Numbers 9 and 10 in the Sixth Concession east of Hurontario Street as more particularly described in a Conveyance registered in the Registry Office for the Registry Division of the County of Peel as Instrument Number 38328—Township of Toronto.

(PLAN ATTACHED)

SCHEDULE D

BY-LAW NUMBER 620

OF

THE CORPORATION OF THE TOWNSHIP OF TORONTO GORE

A by-law authorizing National Steel Car Corporation Limited to construct, install, lay, repair, inspect, maintain and operate works required for a sewage disposal and drainage system.

WHEREAS National Steel Car Corporation Limited is the present registered owner of the following lands and premises:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Toronto, in the County of Peel and Province of Ontario being composed of that part of Lots Numbers 9 and 10 in the Sixth Concession east of Hurontario Street as more particularly described in a Conveyance registered in the Registry Office for the Registry Division of the County of Peel as Instrument Number 38328—Township of Toronto,

on which is at present erected what is known as its Malton Plant;

AND WHEREAS National Steel Car Corporation Limited has requested this Corporation to grant it, as appurtenant to such lands and premises and all lands and premises which have been or may be acquired by it in connection with or as a part of its said Plant, the power, right, permission and authority to use and occupy the road allowance between the Townships of Toronto and Gore of Toronto and the road allowance between Lots Numbers 10 and 11 in the Seventh Concession of the Township of Toronto Gore from the point marked "A" to the point marked "B" on the photostat of plan hereto annexed made by K. H. Darling and dated the 1st day of June, 1939, for the purposes of excavating and opening the soil thereof from time to time and constructing, installing, laying, repairing, inspecting, maintaining and operating thereunder a sewer or sewers forming part of the proposed sewage disposal and drainage system of National Steel Car Corporation Limited, including sewers, pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures necessary or incidental thereto with the right to attach or connect thereto the sewage disposal and/or drainage systems of any other person, corporation or commission;

AND WHEREAS this Corporation has agreed to grant the said power, right, permission and authority with respect to such part or parts of the said road allowances as is or are within and/or under the jurisdiction of this Corporation;

AND WHEREAS the Trustees of the Police Village of Malton have consented and have requested this Corporation to grant the said power, right, permission and authority with respect to such parts of the said road allowances as are within the limits of the said Village:

NOW THEREFORE the Council of the Corporation of the Township of Toronto Gore enacts as follows:

1. That National Steel Car Corporation Limited, its successors and assigns, be and it is and they are hereby granted the power, right, permission and authority, as appurtenant to its said lands and premises hereinbefore described and all lands and premises which have been or may be acquired by it in connection with or as a part of its said Malton Plant, to use and occupy such part or parts of the road allowance between the Townships of Toronto and the Gore of Toronto and the road allowance

between Lots Numbers 10 and 11 in the Seventh Concession of the Township of Toronto Gore as is or are within and/or under the jurisdiction of this Corporation from the point marked "A" to the point marked "B" on the photostat of plan hereto annexed made by K. H. Darling and dated the 1st day of June, 1939, for the purposes of excavating and opening the soil thereof from time to time and constructing, installing, laying, repairing, inspecting, maintaining and operating thereunder a sewer or sewers forming part of the proposed sewage disposal and drainage system of National Steel Car Corporation Limited, including the sewers, pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures necessary or incidental thereto with the right to attach or connect thereto the sewage disposal and/or drainage systems of any other person, corporation or commission;

2. That _____, the Reeve, and _____, the Clerk of this Corporation be and they are hereby authorized and empowered to execute and deliver any grant and/or agreement which may be necessary or requisite and to affix the Corporate Seal thereto.

ENACTED AND PASSED this 15th day of June, 1939.

"CHAS. C. LONDON,"

"JOHN O'REILLY."

(PLAN ATTACHED)

AGREEMENT made the 15th day of June, 1939,

BETWEEN:

THE CORPORATION OF THE TOWNSHIP OF THE GORE OF TORONTO,
hereinafter called "the CORPORATION",

OF THE FIRST PART,

—and—

NATIONAL STEEL CAR CORPORATION LIMITED,
hereinafter called "the COMPANY",

OF THE SECOND PART.

WHEREAS the Company has requested the Corporation to grant it the power, right, permission and authority to use and occupy the road allowance between the Townships of Toronto and the Gore of Toronto and the road allowance between Lots Numbers 10 and 11 in the Seventh Concession of the Township of Toronto Gore from the point marked "A" to the point marked "B" on the photostat of plan hereto annexed made by K. H. Darling and dated the 1st day of June, 1939, for the purposes of excavating and opening the soil thereof from time to time and constructing, installing, laying, repairing, inspecting, maintaining and operating thereunder a sewer or sewers forming part of the proposed sewage disposal and drainage system of the Company, including sewers, pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures necessary or incidental thereto with the right to attach or connect thereto the sewage disposal and/or drainage systems of any other person, corporation or commission;

AND WHEREAS the Corporation has by By-law Number 620 passed on the 15th day of June, 1939, granted the said power, right, permission and authority with respect to such part or parts of the said road allowances as is or are within and/or under the jurisdiction of the Corporation, as appurtenant to the lands and premises at present comprising the Malton Plant of the Company, more particularly described in Schedule "A" hereto annexed, and all lands and premises which may have been or may be acquired in connection with or as a part of the said Plant;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises the Corporation doth hereby grant to the Company, its successors and assigns, to be used and enjoyed, as appurtenant to the

lands and premises at present comprising the Malton Plant of the Company more particularly described in Schedule "A" hereto annexed and all lands and premises which have been or may be acquired in connection with or as a part of the said Plant, the power, right, permission and authority to use and occupy such part or parts of the road allowance between the Townships of Toronto and the Gore of Toronto and the road allowance between Lots Numbers 10 and 11 in the Seventh Concession of the Township of Toronto Gore from the point marked "A" to the point marked "B" on the photostat of plan hereto annexed made by K. H. Darling and dated the 1st day of June, 1939, as is or are within and/or under the jurisdiction of the Corporation for the purposes of excavating and opening the soil thereof from time to time and constructing, installing, laying, repairing, inspecting, maintaining and operating thereunder a sewer or sewers forming part of the proposed sewage disposal and drainage system of the Company, including the sewers, pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures necessary or incidental thereto with the right to attach or connect thereto the sewage disposal and/or drainage systems of any other person, corporation or commission.

THE said sewer or sewers, including pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures shall be laid under the said road allowances and shall be constructed, installed, laid, repaired, inspected, maintained and operated so as not to unduly obstruct or interfere with the use of the said road allowances or with the drains and culverts now constructed in, under or upon the same.

THE Company shall, upon the completion of any installation, construction, maintenance and/or repair of the said sewer or sewers, including pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures, restore the said road allowances to their proper levels and grades, and leave surface of road as they found it.

THE Company shall indemnify and save harmless the Corporation from and against all loss, costs, charges and expenses which the Corporation may suffer or be put to by reason of or in consequence of any negligence on the part of the Company, its servants, agents and workmen, in the construction, operation and/or repair of the said sewer or sewers and/or by reason of or in consequence of the discharging from its said sewage disposal and drainage system into the creek running through Lot Number 11 in the Seventh Concession, Southern Division of the Township of the Gore of Toronto.

IN WITNESS WHEREOF the parties hereto have caused these presents to be executed under their respective Corporate Seals, by their respective officers in that behalf.

SIGNED, SEALED AND DELIVERED

In the presence of:

"JOHN G. HOOPER."

"N. WAGNER."

THE CORPORATION OF THE TOWNSHIP
OF THE GORE OF TORONTO

"CHAS. C. LONDON",

Reeve.

(Seal)

"JOHN O'REILLY,"

Clerk.

NATIONAL STEEL CAR CORPORATION
LIMITED

"R. S. HART,"

Vice-President.

(Seal)

"CHAS. W. ADAM,"

Secretary.

SCHEDULE "A" referred to in the annexed Agreement made between the Corporation of the Township of the Gore of Toronto and National Steel Car Corporation Limited, dated the 15th day of June, 1939.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Toronto, in the County of Peel and Province of Ontario, being composed of those parts of Lots Numbers 9 and 10 in the Sixth Concession east of Hurontario Street as more particularly described in a Conveyance registered in the Registry Office for the Registry Division of the County of Peel as Instrument Number 38328—Township of Toronto.

(PLAN ATTACHED)

SCHEDULE E

BY-LAW NUMBER

OF

THE TRUSTEES OF THE POLICE VILLAGE OF MALTON

A by-law authorizing National Steel Car Corporation Limited to construct, install, lay, repair, inspect, maintain and operate works required for a sewage disposal and drainage system.

WHEREAS National Steel Car Corporation Limited is the present registered owner of the following lands and premises:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Toronto, in the County of Peel and Province of Ontario being composed of that part of Lots Number 9 and 10 in the Sixth Concession east of Huron Street as more particularly described in a Conveyance registered in the Registry Office for the Registry Division of the County of Peel as Instrument Number 38328—Township of Toronto,

on which is at present erected what is known as its Malton Plant;

AND WHEREAS National Steel Car Corporation Limited has requested the Trustees of the Police Village of Malton to grant it, as appurtenant to such lands and premises and all lands and premises which have been or may be acquired by it in connection with or as a part of its said Plant, the power, right, permission and authority to use and occupy the road allowance between the Townships of Toronto and Gore of Toronto and the road allowance between Lots Numbers 10 and 11 in the Seventh Concession of the Township of Toronto Gore from the point marked "A" to the point marked "B" on the photostat of plan hereto annexed made by K. H. Darling and dated the 1st day of June, 1939, for the purposes of excavating and opening the soil thereof from time to time and constructing, installing, laying, repairing, inspecting, maintaining and operating thereunder a sewer or sewers forming part of the proposed sewage disposal and drainage system of National Steel Car Corporation Limited, including sewers, pipes, mains, conduits, connections, apparatus, appliances, man-holes and fixtures necessary or incidental thereto with the right to attach or connect thereto the sewage disposal and/or drainage systems of any other person, corporation or commission;

AND WHEREAS the said Trustees have agreed to grant the said power, right, permission and authority with respect to such part or parts of the said road allowances as is or are within and/or under the jurisdiction of the said Trustees;

NOW THEREFORE the Trustees of the Police Village of Malton enact as follows:

1. That National Steel Car Corporation Limited, its successors and assigns, be and it is and they are hereby granted the power, right, permission and authority, as appurtenant to its said lands and premises hereinbefore described and all lands and premises which have been or may be acquired by it in connection with or as a part of its said Malton Plant, to use and occupy such part or parts of the road allowance between the Townships of Toronto and the Gore of Toronto and the road allowance between Lots Numbers 10 and 11 in the Seventh Concession of the Township of Toronto Gore as is or are within and/or under the jurisdiction of the said Trustees from the point marked "A" to the point marked "B" on the photostat of plan hereto annexed made by K. H. Darling and dated the 1st day of June, 1939, for the purposes of excavating and opening the soil thereof from time to time and constructing, installing, laying, repairing, inspecting, maintaining and operating thereunder a sewer or sewers forming part of the proposed sewage disposal and drainage system of National Steel Car Corporation Limited, including the sewers, pipes, mains, conduits, connections, apparatus, appliances, manholes and

fixtures necessary or incidental thereto with the right to attach or connect thereto the sewage disposal and/or drainage systems of any other person, corporation or commission;

2. That the Corporations of the Townships of Toronto and Gore of Toronto be and they are hereby requested to grant to National Steel Car Corporation Limited the said power, right, permission and authority.

ENACTED AND PASSED this 28th day of June, 1939.

"FRANK CLARK,"

"WALTER BEST,"

"R. T. LANGFORD."

(PLAN ATTACHED)

AGREEMENT made the 28th day of June, 1939,

BETWEEN:

THE TRUSTEES OF THE POLICE VILLAGE OF MALTON,
hereinafter called "the TRUSTEES"

OF THE FIRST PART,

—and—

NATIONAL STEEL CAR CORPORATION LIMITED,
hereinafter called "the COMPANY"

OF THE SECOND PART.

WHEREAS the Company has requested the Trustees to grant it the power, right, permission and authority to use and occupy the road allowance between the Townships of Toronto and the Gore of Toronto and the road allowance between Lots Numbers 10 and 11 in the Seventh Concession of the Township of Toronto Gore from the point marked "A" to the point marked "B" on the photostat of plan hereto annexed made by K. H. Darling and dated the 1st day of June, 1939, for the purposes of excavating and opening the soil thereof from time to time and constructing, installing, laying, repairing, inspecting, maintaining and operating thereunder a sewer or sewers forming part of the proposed sewage disposal and drainage system of the Company, including sewers, pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures necessary or incidental thereto with the right to attach or connect thereto the sewage disposal and/or drainage systems of any other person, corporation or commission;

AND WHEREAS the Trustees have by By-law Number passed on the 28th day of June, 1939 granted the said power, right, permission and authority with respect to such part or parts of the said road allowances as is or are within and/or under their jurisdiction, as appurtenant to the lands and premises at present comprising the Malton Plant of the Company, more particularly described in Schedule "A" hereto annexed, and all lands and premises which may have been or may be acquired by the Company in connection with or as a part of its said Plant;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises the Trustees do hereby grant to the Company, its successors and assigns, to be used and enjoyed as appurtenant to the lands and premises at present comprising the Malton Plant of the Company more particularly described in Schedule "A" hereto annexed and all lands and premises which have been or may be acquired by the Company in connection with or as a part of its said Plant, the power, right, permission and authority to use and occupy such part or parts of the road allowance between the Townships of Toronto and the Gore of Toronto and the road allowance between Lots Numbers 10 and 11 in the Seventh Concession of the Township of Toronto Gore as is or are within and/or under the jurisdiction of the said Trustees from the point marked "A" to the point marked "B" on the photostat of plan hereto annexed made by K. H. Darling and dated the 1st day of June, 1939, for the purposes of excavating

and opening the soil thereof from time to time and constructing, installing, laying, repairing, inspecting, maintaining and operating thereunder a sewer or sewers forming part of the proposed sewage disposal and drainage system of the Company, including the sewers, pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures necessary or incidental thereto with the right to attach or connect thereto the sewage disposal and/or drainage systems of any other person, corporation or commission.

THE said sewer or sewers, including pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures shall be laid under the said road allowances and shall be constructed, installed, laid, repaired, inspected, maintained and operated so as not to unduly obstruct or interfere with the use of the said road allowances or with the drains and culverts now constructed in, under or upon the same.

THE Company shall restore the said road allowances to the conditions they were in prior to the completion of any installation, construction and/or repair of the said sewer or sewers, including pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures.

THE Company hereby covenants and agrees with the Trustees that in the event of the formation of an area (which would include the said lands and premises of the Company) requiring local improvements, it will not object to the construction of the local improvements required by any petition.

THE Company shall indemnify and save harmless the Trustees from and against all loss, costs, charges and expenses which the Trustees may suffer or be put to by reason of or in consequence of the construction, operation, maintenance and/or repair of the said sewer or sewers.

IN WITNESS WHEREOF the parties hereto have executed this Agreement.

SIGNED, SEALED AND DELIVERED	"FRANK CLARK," (L.S.)
In the presence of:	"WALTER BEST," (L.S.)
"J. D. GAYNOR."	"R. T. LANGFORD," (L.S.) <i>The Trustees of the Police Village of Malton.</i>
	NATIONAL STEEL CAR CORPORATION LIMITED
	"R. S. HART," <i>Vice-President</i> (Seal)
"I. A. KENDALL."	"CHAS. W. ADAM," <i>Secretary.</i>

SCHEDULE "A" referred to in the annexed Agreement made between The Trustees of the Police Village of Malton and National Steel Car Corporation Limited, dated the 28th day of June, 1939.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Toronto, in the County of Peel and Province of Ontario being composed of those parts of Lots Numbers 9 and 10 in the Sixth Concession east of Hurontario Street as more particularly described in a Conveyance registered in the Registry Office for the Registry Division of the County of Peel as Instrument Number 38328—Township of Toronto.

(PLAN ATTACHED)

SCHEDULE F

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Toronto Gore, in the County of Peel and the Province of Ontario, being composed of a part of the west half of Lot Number 11 in Concession VII in the Southern Division of the Township of Toronto Gore: the boundaries of the said parcel of land being described as follows:

PREMISING that all bearings herein are astronomic:

COMMENCING at a point in the south-easterly limit of the said west half of Lot Number 11 distant Nine hundred and twelve feet and two inches (912'2") measured on a course north thirty-nine degrees and thirty-three minutes (39°33') east thereon from the most southerly angle of said Lot Number 11; THENCE north fifty degrees and five minutes (50°5') west along the south-westerly limit of the lands herein described, one hundred and ten feet (110'), more or less, to the centre line of a creek; THENCE north-easterly along the said centre line of creek, with the stream, to the point of intersection with a line drawn parallel to the hereinbefore mentioned south-westerly limit of lands herein described and distant twenty-eight feet (28') north-easterly therefrom, measured at right angles thereto; THENCE south fifty degrees and five minutes (50°5') east along the line drawn parallel as aforesaid twenty-one feet (21'), more or less, to a point in the said line distant eighty-two feet (82') measured north-westerly thereon from the said south-easterly limit of the west half of Lot Number 11; THENCE south thirty-nine degrees and thirty-three minutes (39°33') west twenty-two feet (22'); THENCE south fifty degrees and five minutes (50°5') east eighty-two feet (82') to the said south-easterly limit of the west half of Lot Number 11; THENCE south thirty-nine degrees and thirty-three minutes (39°33') west along the last mentioned limit Six feet (6') to the point of commencement.

BILL

An Act respecting National Steel Car Corporation, Limited.

1st Reading

2nd Reading

3rd Reading

MR. KENNEDY

(*Private Bill*)

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act respecting National Steel Car Corporation Limited.

MR. KENNEDY

*(Reprinted as amended by the Committee on
Private Bills.)*

BILL

An Act respecting National Steel Car Corporation Limited.

Preamble.

WHEREAS National Steel Car Corporation Limited, hereinafter called the "Company", has by its petition represented that it is the owner of the lands in the Township of Toronto, in the County of Peel described in Schedule A hereto on part or parts of which the Company has erected what is commonly known as its Malton Plant; that the Corporation of the County of Peel, the Corporation of the Township of Toronto, the Corporation of the Township of Toronto Gore and the Board of Trustees of the Police Village of Malton have respectively granted to the Company, its successors and assigns, by the respective by-laws and agreements set forth in Schedules B, C, D and E hereto, the power, right, permission and authority to use portions of the highways in the County of Peel known as the Sixth Line East (being the road allowance between the Townships of Toronto and Toronto Gore and other townships) and the Meadowvale-Malton side road (being the road allowance between lots numbers 10 and 11 in the seventh concession in the Southern Division of the Township of Toronto Gore and other concessions and townships) for constructing, maintaining and operating thereunder a sewer or sewers forming part of the sewage disposal and drainage system of the Company, including the fixtures and apparatus necessary or incidental thereto, and the right to attach or connect to such system the sewage disposal and drainage systems of any person, corporation or commission; that the Company obtained a grant of the right and easement to construct, maintain and operate a sewer or sewers on, in and under that part of the west half of lot number 11 in the seventh concession in the Southern Division of the Township of Toronto Gore described in Schedule F hereto and to drain, empty and discharge from its sewage disposal and drainage system into a creek running through part of the said lot number 11; that the Company has constructed and is maintaining and operating a sewage disposal plant and drainage system on the lands described in Schedule A hereto or part or parts thereof and, pursuant to the said by-laws, the said grant of easement and the said agreements, has con-

EXPLANATORY NOTE

It will be noted that in this reprint of the Bill for consideration by the Committee on Private Bills that clause *d* of section 2 is amended and that sections 3 and 7 of the original Bill have been deleted, and that section 4 of the original Bill, which is numbered 3 in this reprint, has been revised.

structed and is maintaining and operating a sewer or system of sewers and drains in and under portions of the said highways and on, in and under the lands described in Schedule F hereto, and is disposing of the effluent therefrom into a creek or watercourse or the bed thereof running through part of the west half of said lot number 11 and other lands; and that the above mentioned portions of the said highways now form part of the county road system of the Corporation of the County of Peel; and whereas the Company has by its petition prayed for special legislation in respect of the matters herein-after set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Peel County
By-law 886,
Toronto
Township
by-law 1247,
Toronto
Gore
Township
by-law 620,
Malton
Village
by-law and
agreements
validated.

1. By-law number 886 passed by the council of the Corporation of the County of Peel on the 14th day of June, 1939, and the agreement relating thereto dated the 15th day of June, 1939, between the said Corporation and the Company set forth in Schedule B hereto; by-law number 1247 passed by the council of the Corporation of the Township of Toronto on the 22nd day of June, 1939, and the agreement relating thereto dated the 22nd day of June, 1939, between the said Corporation and the Company set forth in Schedule C hereto; by-law number 620 passed by the council of the Corporation of the Township of Toronto Gore on the 15th day of June, 1939, and the agreement relating thereto dated the 15th day of June, 1939, between the said Corporation and the Company set forth in Schedule D hereto and the by-law passed by the trustees of the police village of Malton on the 28th day of June, 1939, and the agreement relating thereto dated the 28th day of June, 1939, between the said trustees and the Company set forth in Schedule E hereto, are and each of them is hereby validated and confirmed and declared to be legal, valid and binding upon the municipal corporation or police village by whose council or board of trustees such by-law was passed and upon the ratepayers thereof and upon the Corporation of the County of Peel and upon the ratepayers thereof without any further act of the said municipal corporations or of the said police village or of the electors of the said municipal corporations or of the said police village.

Company's
powers.

2. The Company, its successors and assigns, shall have power to and may,—

- (a) construct, install, lay, repair, inspect, maintain, alter, replace, remove, use and operate a sewage disposal plant or plants and drainage system and

all appurtenances thereto on, in and under any part or parts of the lands described in Schedule A hereto;

- (b) construct, install, lay, repair, inspect, maintain, alter, replace, remove, use and operate in connection with such sewage disposal plant or plants and drainage system, a sewer or system of sewers and drains, including all mains, pipes, conduits, connections, apparatus, appliances, manholes, outlets and fixtures necessary or incidental thereto, in approximately their present position in and under the highways in the County of Peel known as the Sixth Line East (being the road allowance between the Townships of Toronto and Toronto Gore and other townships) and the Meadowvale-Malton side road (being the road allowance between lots numbers 10 and 11 in the seventh concession in the Southern Division of the Township of Toronto Gore and other concessions and townships) and on, in and under that part of the west half of lot number 11 in the seventh concession in the Southern Division of the Township of Toronto Gore described in Schedule F hereto, and on, in or under such other lands as the Company, its successors and assigns, may from time to time own, or over which it or they may from time to time have an easement for such purpose;
- (c) enter into and upon the highways mentioned in clause *b* or any part thereof at any time and from time to time by officers, servants, agents or workmen and with or without animals, vehicles and equipment and excavate and open such highways for any or all of the above purposes;
- (d) attach or connect to such sewage disposal plant or plants, the sewers, and to the sewer or system of sewers and drains used, maintained and operated in connection with such drainage system, the drains, from lands, buildings and premises in the vicinity of the lands described in Schedule A hereto occupied by Canadian Associated Aircraft Limited or any Company any of whose shares or securities are owned by the Company.
- (e) drain, empty, discharge and dispose of the effluent from such sewage disposal plant or plants and drainage system and the sewer or system of sewers and drains used, maintained and operated in connection therewith into the creek or watercourse or the bed thereof which runs through part of the west half of lot number 11 in the seventh concession in the

Southern Division of the Township of Toronto Gore and other lands and which is mentioned in Schedule F hereto; and

- (f) generally do and perform all acts and things required, necessary, suitable or expedient or which may be required, necessary, suitable or expedient for any or all of the above purposes.



Power to enter upon creek.

3. In connection with the use, maintenance or operation of such sewage disposal plant or plants and drainage system or of the sewer or system of sewers and drains used, maintained or operated in connection therewith or the disposal of the effluent therefrom, the Company, its successors and assigns, and its and their officers, servants, agents and workmen shall have power to and may at any time and from time to time enter into and upon the whole course or channel or any part of the creek or watercourse referred to in clause e of section 2, and the banks and bed thereof and examine the same, and, with or without animals, vehicles and equipment, clear of obstruction or otherwise improve the said creek or watercourse or the bed, course or channel thereof; provided that the approval of the Department of Health for Ontario shall be obtained before the said creek or watercourse or the bed, course or channel thereof is cleared of obstruction or otherwise improved and provided that any dam or other similar work to be constructed in the said creek or watercourse or the bed, course or channel thereof shall be subject to the provisions of *The Lakes and Rivers Improvement Act*.



Assignment of by-laws and agreements.

4. The agreements and the powers and privileges conferred upon the Company under the by-laws referred to in section 1 may be assigned to any person or company upon such person or company executing and delivering to the Corporation of the County of Peel a covenant under seal binding such person or company to perform, observe and comply with all the obligations, regulations and conditions therein contained remaining to be complied with, observed and performed.

This Act to enure to the benefit of the Company.

5. This Act, including the said by-laws and agreements, shall enure to the benefit of and shall be binding upon the Company, its successors and assigns.

Commencement of Act.

6. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

7. This Act may be cited as *The National Steel Car Corporation Limited Sewage Disposal Act, 1941*.

SCHEDULE A

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the Township of Toronto, in the County of Peel and Province of Ontario being composed of:

FIRSTLY:

Those parts of Lots Numbers 9 and 10 in the Sixth Concession east of Hurontario Street, in the Township of Toronto, in the County of Peel and Province of Ontario, as more particularly described in a Conveyance registered in the Registry Office for the Registry Division of the County of Peel on the 6th day of April, 1938 as Instrument Number 38328—Township of Toronto.

SECONDLY:

Those parts of Lots Numbers 9 and 10 in the Sixth Concession east of Hurontario Street in the said Township as more particularly described in a Conveyance registered in the said Registry Office on the 12th day of June, 1939 as Instrument Number 39216—Township of Toronto.

THIRDLY:

Those parts of Lot Number 10 in the Sixth Concession east of Hurontario Street in the said Township, Lot Number 10 in the Fifth Concession east of Hurontario Street in the said Township and the allowance for road between the said Concessions Five and Six as more particularly described in a Conveyance registered in the said Registry Office on the 12th day of June, 1939 as Instrument Number 39218—Township of Toronto.

SAVING AND EXCEPTING out of and from the said parcels of lands and premises, or any of them, the lands conveyed to The Hydro-Electric Power Commission of Ontario.

SCHEDULE B

BY-LAW NUMBER 886

OF

THE CORPORATION OF THE COUNTY OF PEEL

A by-law authorizing National Steel Car Corporation Limited to construct, install, lay, repair, inspect, maintain and operate works required for a sewage disposal and drainage system.

WHEREAS National Steel Car Corporation Limited is the present registered owner of the following lands and premises:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Toronto, in the County of Peel and Province of Ontario being composed of that part of Lot Number 9 in the Sixth Concession east of Hurontario Street as more particularly described in a Conveyance registered in the Registry Office for the Registry Division of the County of Peel as Instrument Number 38328—Township of Toronto,

on which is at present erected what is known as its Malton Plant;

AND WHEREAS National Steel Car Corporation Limited has requested this Corporation to grant it, as appurtenant to such lands and premises and all lands and premises which have been or may be acquired by it in connection with or as a part of its said Plant, the power, right, permission and authority to use and occupy the road allowance between the Townships of Toronto and Gore of Toronto and the road allowance between Lots Numbers 10 and 11 in the Seventh Concession of the Township of Toronto Gore from the point marked "A" to the point marked "B" on the photostat of plan hereto annexed made by K. H. Darling and dated the 1st day of June, 1939, for the purposes of excavating and opening the soil thereof from time to time and constructing, installing, laying, repairing, inspecting, maintaining and operating thereunder a sewer or sewers forming part of the proposed sewage disposal and drainage system of National Steel Car Corporation Limited, including sewers, pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures necessary or incidental thereto with the right to attach or connect thereto the sewage disposal and/or drainage systems of any other person, corporation or commission;

AND WHEREAS this Corporation has agreed to grant the said power, right, permission and authority with respect to such part or parts of the said road allowances as is or are within and/or under the jurisdiction of this Corporation;

NOW THEREFORE the Council of the Corporation of the County of Peel enacts as follows:

1. That National Steel Car Corporation Limited, its successors and assigns, be and it is and they are hereby granted the power, right, permission and authority as appurtenant to its said lands and premises hereinbefore described and all lands and premises which have been or may be acquired by it in connection with or as a part of its said Malton Plant, to use and occupy such part or parts of the road allowance between the Townships of Toronto and the Gore of Toronto and the road allowance between Lots Numbers 10 and 11 in the Seventh Concession of the Township of Toronto Gore as is or are within and/or under the jurisdiction of this Corporation from the point marked "A" to the point marked "B" on the photostat of plan hereto annexed made by K. H. Darling and dated the 1st day of June, 1939, for the purposes of excavating and opening the soil thereof from time to time and constructing, installing, laying,

repairing, inspecting, maintaining and operating thereunder a sewer or sewers forming part of the proposed sewage disposal and drainage system of National Steel Car Corporation Limited, including the sewers, pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures necessary or incidental thereto with the right to attach or connect thereto the sewage disposal and/or drainage systems of any other person, corporation or commission;

2. That Warden, the Clerk, and the Engineer of this Corporation be and they are hereby authorized and empowered to execute and deliver any grant and/or agreement which may be necessary or requisite and to affix the Corporate Seal thereto.

ENACTED AND PASSED this 14th day of June, 1939.

(Warden) "W. A. BATES,"
"DAVID WILSON,"
Clerk.

(Seal) "N. L. POWELL,"
County Engineer.

(PLAN ATTACHED)

AGREEMENT made the 15th day of June, 1939,

BETWEEN:

THE CORPORATION OF THE COUNTY OF PEEL,
hereinafter called "the CORPORATION"

OF THE FIRST PART.

—and—

NATIONAL STEEL CAR CORPORATION LIMITED,
hereinafter called "the COMPANY"

OF THE SECOND PART.

WHEREAS the Company has requested the Corporation to grant it the power, right, permission and authority to use and occupy the road allowance between the Townships of Toronto and the Gore of Toronto and the road allowance between Lots Numbers 10 and 11 in the Seventh Concession of the Township of Toronto Gore from the point marked "A" to the point marked "B" on the photostat of plan hereto annexed made by K. H. Darling and dated the 1st day of June, 1939, for the purposes of excavating and opening the soil thereof from time to time and constructing, installing, laying, repairing, inspecting, maintaining and operating thereunder a sewer or sewers forming part of the proposed sewage disposal and drainage system of the Company, including sewers, pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures necessary or incidental thereto with the right to attach or connect thereto the sewage disposal and/or drainage systems of any other person, corporation or commission;

AND WHEREAS the Corporation has by By-law Number 886 passed on the 14th day of June, 1939 granted the said power, right, permission and authority with respect to such part or parts of the said road allowances as is or are within and/or under the jurisdiction of the Corporation, as appurtenant to the lands and premises at present comprising the Malton Plant of the Company, more particularly described in Schedule "A" hereto annexed, and all lands and premises which may have been or may be acquired by the Company in connection with or as a part of its said Plant;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises the Corporation doth hereby grant to the Company, its successors and assigns, to be used and enjoyed, as appurtenant to the lands and premises at present comprising the Malton Plant of the Company more particularly described in Schedule "A" hereto annexed and all lands and premises which have been or may be acquired by the Com-

pany in connection with or as a part of its said Plant, the power, right, permission and authority to use and occupy such part or parts of the road allowance between the Townships of Toronto and the Gore of Toronto and the road allowance between Lots Numbers 10 and 11 in the Seventh Concession of the Township of Toronto Gore as is or are within and/or under the jurisdiction of the Corporation from the point marked "A" to the point marked "B" on the photostat of plan hereto annexed made by K. H. Darling and dated the 1st day of June, 1939, for the purposes of excavating and opening the soil thereof from time to time and constructing, installing, laying, repairing, inspecting, maintaining and operating thereunder a sewer or sewers forming part of the proposed sewage disposal and drainage system of the Company, including the sewers, pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures necessary or incidental thereto with the right to attach or connect thereto the sewage disposal and/or drainage systems of any other person, corporation or commission.

THE said sewer or sewers, including pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures shall be laid under the said road allowances and shall be constructed, installed, laid, repaired, inspected, maintained and operated so as not to unduly obstruct or interfere with the use of the said road allowances or with the drains and culverts now constructed in, under or upon the same.

THE Company shall restore the said road allowances to the conditions they were in prior to the completion of any installation, construction and/or repair of the said sewer or sewers, including pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures.

THE Company shall indemnify and save harmless the Corporation from and against all loss, costs, charges and expenses which the Corporation may suffer or be put to by reason of or in consequence of any negligence on the part of the Company, its servants, agents and workmen, in the construction, operation and/or repair of the said sewer or sewers.

IN WITNESS WHEREOF the parties hereto have caused these presents to be executed under their respective Corporate Seals, by their respective officers in that behalf.

SIGNED, SEALED AND DELIVERED

In the presence of:

"E. D. MAGUIRE."

(Seal)

"N. WAGNER."

THE CORPORATION OF THE COUNTY
OF PEEL

"W. A. BATES,"
Warden.

"DAVID WILSON,"
Clerk.

"N. I. POWELL,"
County Engineer.

NATIONAL STEEL CAR CORPORATION
LIMITED

"R. S. HART,"
Vice-President.

"CHAS. W. ADAM,"
Secretary.

(Seal)

SCHEDULE "A" referred to in the annexed Agreement made between The Corporation of the County of Peel and National Steel Car Corporation Limited, dated the 15th day of June, 1939.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Toronto, in the County of Peel and Province of Ontario being composed of that part of Lot Number 9 in the Sixth Concession east of Hurontario Street as more particularly described in a Conveyance registered in the Registry Office for the Registry Division of the County of Peel as Instrument Number 38328—Township of Toronto.

(PLAN ATTACHED)

SCHEDULE C

BY-LAW NUMBER 1247

OF

THE CORPORATION OF THE TOWNSHIP OF TORONTO

A By-law authorizing National Steel Car Corporation Limited to construct, install, lay, repair, inspect, maintain and operate works required for a sewage disposal and drainage system.

WHEREAS National Steel Car Corporation Limited is the present registered owner of the following lands and premises:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Toronto, in the County of Peel and Province of Ontario being composed of those parts of Lots Numbers 9 and 10 in the Sixth Concession east of Hurontario Street as more particularly described in a Conveyance registered in the Registry Office for the Registry Division of the County of Peel as Instrument Number 38328—Township of Toronto,

on which is at present erected what is known as its Malton Plant;

AND WHEREAS National Steel Car Corporation Limited has requested this Corporation to grant it, as appurtenant to such lands and premises and all lands and premises which have been or may be acquired by it in connection with or as a part of its said Plant, the power, right, permission and authority to use and occupy the road allowance between the Townships of Toronto and Gore of Toronto and the road allowance between Lots Numbers 10 and 11 in the Seventh Concession of the Township of Toronto Gore from the point marked "A" to the point marked "B" on the photostat of plan hereto annexed made by K. H. Darling and dated the 1st day of June, 1939 for the purposes of excavating and opening the soil thereof from time to time and constructing, installing, laying, repairing, inspecting, maintaining and operating thereunder a sewer or sewers forming part of the proposed sewage disposal and drainage system of National Steel Car Corporation Limited, including sewers, pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures necessary or incidental thereto with the right to attach or connect thereto the sewage disposal and/or drainage systems of any other person, corporation or commission;

AND WHEREAS this Corporation has agreed to grant the said power, right, permission and authority with respect to such part or parts of the said road allowances as is or are within and/or under the jurisdiction of this Corporation;

AND WHEREAS the Trustees of the Police Village of Malton have consented and have requested this Corporation to grant the said power, right, permission and authority with respect to such parts of the said road allowances as are within the limits of the said Village;

NOW THEREFORE the Council of the Corporation of the Township of Toronto enacts as follows:

1. That National Steel Car Corporation Limited, its successors and assigns, be and it is and they are hereby granted the power, right, permission and authority, as appurtenant to its said lands and premises hereinbefore described and all lands and premises which have been or may be acquired by it in connection with or as a part of its said Malton Plant, to use and occupy such part or parts of the road allowance between the Townships of Toronto and the Gore of Toronto and the road allowance between Lots Numbers 10 and 11 in the Seventh Concession of the Town-

ship of Toronto Gore as is or are within and/or under the jurisdiction of this Corporation from the point marked "A" to the point marked "B" on the photostat of plan hereto annexed made by K. H. Darling and dated the 1st day of June, 1939, for the purposes of excavating and opening the soil thereof from time to time and constructing, installing, laying, repairing, inspecting, maintaining and operating thereunder a sewer or sewers forming part of the proposed sewage disposal and drainage system of National Steel Car Corporation Limited, including the sewers, pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures necessary or incidental thereto with the right to attach or connect thereto the sewage disposal and/or drainage systems of any other person, corporation or commission;

2. That E. D. Maguire, the Reeve, and J. H. Pinchin, the Clerk of this Corporation be and they are hereby authorized and empowered to execute and deliver any grant and/or agreement which may be necessary or requisite and to affix the Corporate Seal thereto.

ENACTED AND PASSED this 22nd day of June, 1939.

"E. D. MAGUIRE,"

Reeve.

"J. H. PINCHIN," (Seal)

Clerk.

(PLAN ATTACHED)

AGREEMENT made the 22nd day of June, 1939,

BETWEEN:

THE CORPORATION OF THE TOWNSHIP OF TORONTO,
hereinafter called "the CORPORATION"

OF THE FIRST PART.

—and—

NATIONAL STEEL CAR CORPORATION LIMITED,
hereinafter called "the COMPANY"

OF THE SECOND PART,

WHEREAS the Company has requested the Corporation to grant it the power, right, permission and authority to use and occupy the road allowance between the Townships of Toronto and the Gore of Toronto and the road allowance between Lots Numbers 10 and 11 in the Seventh Concession of the Township of Toronto Gore from the point marked "A" to the point marked "B" on the photostat of plan hereto annexed made by K. H. Darling and dated the 1st day of June, 1939, for the purposes of excavating and opening the soil thereof from time to time and constructing, installing, laying, repairing, inspecting, maintaining and operating thereunder a sewer or sewers forming part of the proposed sewage disposal and drainage system of the Company, including sewers, pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures necessary or incidental thereto with the right to attach or connect thereto the sewage disposal and/or drainage systems of any other person, corporation or commission;

AND WHEREAS the Corporation has by By-law Number 1247 passed on the 22nd day of June, 1939 granted the said power, right, permission and authority with respect to such part or parts of the said road allowances as is or are within and/or under the jurisdiction of the Corporation, as appurtenant to the lands and premises at present comprising the Malton Plant of the Company, more particularly described in Schedule "A" hereto annexed, and all lands and premises which may have been or may be acquired by the Company in connection with or as a part of its said Plant;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises the Corporation doth hereby grant to the Company, its successors and assigns, to be used and enjoyed, as appurtenant to the lands and premises at present comprising the Malton Plant of the Company more particularly described in Schedule "A" hereto annexed and all lands and premises which have been or may be acquired by the Company in connection with or as a part of its said Plant, the power, right, permission and authority to use and occupy such part or parts of the road allowance between the Townships of Toronto and the Gore of Toronto and the road allowance between Lots Numbers 10 and 11 in the Seventh Concession of the Township of Toronto Gore as is or are within and/or under the jurisdiction of the Corporation from the point marked "A" to the point marked "B" on the photostat of plan hereto annexed made by K. H. Darling and dated the 1st day of June, 1939, for the purposes of excavating and opening the soil thereof from time to time and constructing, installing, laying, repairing, inspecting, maintaining and operating thereunder a sewer or sewers forming part of the proposed sewage disposal and drainage system of the Company, including the sewers, pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures necessary or incidental thereto with the right to attach or connect thereto the sewage disposal and/or drainage systems of any other person, corporation or commission.

THE said sewer or sewers, including pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures shall be laid under the said road allowances and shall be constructed, installed, laid, repaired, inspected, maintained and operated so as not to unduly obstruct or interfere with the use of the said road allowances or with the drains and culverts now constructed in, under or upon the same.

THE Company shall restore the said road allowances to the conditions they were in prior to the completion of any installation, construction and/or repair of the said sewer or sewers, including pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures.

THE Company hereby covenants and agrees with the Corporation that in the event of the formation of an area (which would include the said lands and premises of the Company) requiring local improvements, it will not object to the construction of the local improvements required by such petition.

THE Company shall indemnify and save harmless the Corporation from and against all loss, costs, charges and expenses which the Corporation may suffer or be put to by reason of or in consequence of the construction, operation, maintenance and/or repair of the said sewer or sewers.

IN WITNESS WHEREOF the parties hereto have caused these presents to be executed under their respective Corporate Seals, by their respective officers in that behalf.

SIGNED, SEALED AND DELIVERED In the presence of: "CLARA DENISON." "I. A. KENDALL."	THE CORPORATION OF THE TOWNSHIP OF TORONTO "E. D. MAGUIRE," Reeve. (Seal) "J. H. PINCHIN," Clerk. NATIONAL STEEL CAR CORPORATION LIMITED "R. S. HART," Vice-President. (Seal) "CHAS. W. ADAM," Secretary.
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SCHEDULE "A" referred to in the annexed Agreement made between The Corporation of the Township of Toronto and National Steel Car Corporation Limited, dated the 22nd day of June, 1939.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Toronto, in the County of Peel and Province of Ontario being composed of those parts of Lots Numbers 9 and 10 in the Sixth Concession east of Hurontario Street as more particularly described in a Conveyance registered in the Registry Office for the Registry Division of the County of Peel as Instrument Number 38328—Township of Toronto.

(PLAN ATTACHED)

SCHEDULE D

BY-LAW NUMBER 620

OF

THE CORPORATION OF THE TOWNSHIP
OF TORONTO GORE

A by-law authorizing National Steel Car Corporation Limited to construct, install, lay, repair, inspect, maintain and operate works required for a sewage disposal and drainage system.

WHEREAS National Steel Car Corporation Limited is the present registered owner of the following lands and premises:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Toronto, in the County of Peel and Province of Ontario being composed of that part of Lots Numbers 9 and 10 in the Sixth Concession east of Hurontario Street as more particularly described in a Conveyance registered in the Registry Office for the Registry Division of the County of Peel as Instrument Number 38328—Township of Toronto,

on which is at present erected what is known as its Malton Plant;

AND WHEREAS National Steel Car Corporation Limited has requested this Corporation to grant it, as appurtenant to such lands and premises and all lands and premises which have been or may be acquired by it in connection with or as a part of its said Plant, the power, right, permission and authority to use and occupy the road allowance between the Townships of Toronto and Gore of Toronto and the road allowance between Lots Numbers 10 and 11 in the Seventh Concession of the Township of Toronto Gore from the point marked "A" to the point marked "B" on the photostat of plan hereto annexed made by K. H. Darling and dated the 1st day of June, 1939, for the purposes of excavating and opening the soil thereof from time to time and constructing, installing, laying, repairing, inspecting, maintaining and operating thereunder a sewer or sewers forming part of the proposed sewage disposal and drainage system of National Steel Car Corporation Limited, including sewers, pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures necessary or incidental thereto with the right to attach or connect thereto the sewage disposal and/or drainage systems of any other person, corporation or commission;

AND WHEREAS this Corporation has agreed to grant the said power, right, permission and authority with respect to such part or parts of the said road allowances as is or are within and/or under the jurisdiction of this Corporation;

AND WHEREAS the Trustees of the Police Village of Malton have consented and have requested this Corporation to grant the said power, right, permission and authority with respect to such parts of the said road allowances as are within the limits of the said Village:

NOW THEREFORE the Council of the Corporation of the Township of Toronto Gore enacts as follows:

1. That National Steel Car Corporation Limited, its successors and assigns, be and it is and they are hereby granted the power, right, permission and authority, as appurtenant to its said lands and premises hereinbefore described and all lands and premises which have been or may be acquired by it in connection with or as a part of its said Malton Plant, to use and occupy such part or parts of the road allowance between the Townships of Toronto and the Gore of Toronto and the road allowance

between Lots Numbers 10 and 11 in the Seventh Concession of the Township of Toronto Gore as is or are within and/or under the jurisdiction of this Corporation from the point marked "A" to the point marked "B" on the photostat of plan hereto annexed made by K. H. Darling and dated the 1st day of June, 1939, for the purposes of excavating and opening the soil thereof from time to time and constructing, installing, laying, repairing, inspecting, maintaining and operating thereunder a sewer or sewers forming part of the proposed sewage disposal and drainage system of National Steel Car Corporation Limited, including the sewers, pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures necessary or incidental thereto with the right to attach or connect thereto the sewage disposal and/or drainage systems of any other person, corporation or commission;

2. That _____, the Reeve, and _____, the Clerk of this Corporation be and they are hereby authorized and empowered to execute and deliver any grant and/or agreement which may be necessary or requisite and to affix the Corporate Seal thereto.

ENACTED AND PASSED this 15th day of June, 1939.

"CHAS. C. LONDON,"

"JOHN O'REILLY."

(PLAN ATTACHED)

AGREEMENT made the 15th day of June, 1939,

BETWEEN:

THE CORPORATION OF THE TOWNSHIP OF THE GORE OF TORONTO,
hereinafter called "the CORPORATION",

OF THE FIRST PART,

—and—

NATIONAL STEEL CAR CORPORATION LIMITED,
hereinafter called "the COMPANY",

OF THE SECOND PART.

WHEREAS the Company has requested the Corporation to grant it the power, right, permission and authority to use and occupy the road allowance between the Townships of Toronto and the Gore of Toronto and the road allowance between Lots Numbers 10 and 11 in the Seventh Concession of the Township of Toronto Gore from the point marked "A" to the point marked "B" on the photostat of plan hereto annexed made by K. H. Darling and dated the 1st day of June, 1939, for the purposes of excavating and opening the soil thereof from time to time and constructing, installing, laying, repairing, inspecting, maintaining and operating thereunder a sewer or sewers forming part of the proposed sewage disposal and drainage system of the Company, including sewers, pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures necessary or incidental thereto with the right to attach or connect thereto the sewage disposal and/or drainage systems of any other person, corporation or commission;

AND WHEREAS the Corporation has by By-law Number 620 passed on the 15th day of June, 1939, granted the said power, right, permission and authority with respect to such part or parts of the said road allowances as is or are within and/or under the jurisdiction of the Corporation, as appurtenant to the lands and premises at present comprising the Malton Plant of the Company, more particularly described in Schedule "A" hereto annexed, and all lands and premises which may have been or may be acquired in connection with or as a part of the said Plant;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises the Corporation doth hereby grant to the Company, its successors and assigns, to be used and enjoyed, as appurtenant to the

lands and premises at present comprising the Malton Plant of the Company more particularly described in Schedule "A" hereto annexed and all lands and premises which have been or may be acquired in connection with or as a part of the said Plant, the power, right, permission and authority to use and occupy such part or parts of the road allowance between the Townships of Toronto and the Gore of Toronto and the road allowance between Lots Numbers 10 and 11 in the Seventh Concession of the Township of Toronto Gore from the point marked "A" to the point marked "B" on the photostat of plan hereto annexed made by K. H. Darling and dated the 1st day of June, 1939, as is or are within and/or under the jurisdiction of the Corporation for the purposes of excavating and opening the soil thereof from time to time and constructing, installing, laying, repairing, inspecting, maintaining and operating thereunder a sewer or sewers forming part of the proposed sewage disposal and drainage system of the Company, including the sewers, pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures necessary or incidental thereto with the right to attach or connect thereto the sewage disposal and/or drainage systems of any other person, corporation or commission.

THE said sewer or sewers, including pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures shall be laid under the said road allowances and shall be constructed, installed, laid, repaired, inspected, maintained and operated so as not to unduly obstruct or interfere with the use of the said road allowances or with the drains and culverts now constructed in, under or upon the same.

THE Company shall, upon the completion of any installation, construction, maintenance and/or repair of the said sewer or sewers, including pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures, restore the said road allowances to their proper levels and grades, and leave surface of road as they found it.

THE Company shall indemnify and save harmless the Corporation from and against all loss, costs, charges and expenses which the Corporation may suffer or be put to by reason of or in consequence of any negligence on the part of the Company, its servants, agents and workmen, in the construction, operation and/or repair of the said sewer or sewers and/or by reason of or in consequence of the discharging from its said sewage disposal and drainage system into the creek running through Lot Number 11 in the Seventh Concession, Southern Division of the Township of the Gore of Toronto.

IN WITNESS WHEREOF the parties hereto have caused these presents to be executed under their respective Corporate Seals, by their respective officers in that behalf.

SIGNED, SEALED AND DELIVERED

In the presence of:

"JOHN G. HOOPER."

"N. WAGNER."

THE CORPORATION OF THE TOWNSHIP
OF THE GORE OF TORONTO

"CHAS. C. LONDON",
Reeve.

(Seal)

"JOHN O'REILLY,"
Clerk.

NATIONAL STEEL CAR CORPORATION
LIMITED

"R. S. HART,"
Vice-President.

(Seal)

"CHAS. W. ADAM,"
Secretary.

SCHEDULE "A" referred to in the annexed Agreement made between the Corporation of the Township of the Gore of Toronto and National Steel Car Corporation Limited, dated the 15th day of June, 1939.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Toronto, in the County of Peel and Province of Ontario, being composed of those parts of Lots Numbers 9 and 10 in the Sixth Concession east of Hurontario Street as more particularly described in a Conveyance registered in the Registry Office for the Registry Division of the County of Peel as Instrument Number 38328—Township of Toronto.

(PLAN ATTACHED)

SCHEDULE E

BY-LAW NUMBER

OF

THE TRUSTEES OF THE POLICE VILLAGE OF MALTON

A by-law authorizing National Steel Car Corporation Limited to construct, install, lay, repair, inspect, maintain and operate works required for a sewage disposal and drainage system.

WHEREAS National Steel Car Corporation Limited is the present registered owner of the following lands and premises:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Toronto, in the County of Peel and Province of Ontario being composed of that part of Lots Number 9 and 10 in the Sixth Concession east of Hurontario Street as more particularly described in a Conveyance registered in the Registry Office for the Registry Division of the County of Peel as Instrument Number 38328—Township of Toronto,

on which is at present erected what is known as its Malton Plant;

AND WHEREAS National Steel Car Corporation Limited has requested the Trustees of the Police Village of Malton to grant it, as appurtenant to such lands and premises and all lands and premises which have been or may be acquired by it in connection with or as a part of its said Plant, the power, right, permission and authority to use and occupy the road allowance between the Townships of Toronto and Gore of Toronto and the road allowance between Lots Numbers 10 and 11 in the Seventh Concession of the Township of Toronto Gore from the point marked "A" to the point marked "B" on the photostat of plan hereto annexed made by K. H. Darling and dated the 1st day of June, 1939, for the purposes of excavating and opening the soil thereof from time to time and constructing, installing, laying, repairing, inspecting, maintaining and operating thereunder a sewer or sewers forming part of the proposed sewage disposal and drainage system of National Steel Car Corporation Limited, including sewers, pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures necessary or incidental thereto with the right to attach or connect thereto the sewage disposal and/or drainage systems of any other person, corporation or commission;

AND WHEREAS the said Trustees have agreed to grant the said power, right, permission and authority with respect to such part or parts of the said road allowances as is or are within and/or under the jurisdiction of the said Trustees;

NOW THEREFORE the Trustees of the Police Village of Malton enact as follows:

1. That National Steel Car Corporation Limited, its successors and assigns, be and it is and they are hereby granted the power, right, permission and authority, as appurtenant to its said lands and premises hereinbefore described and all lands and premises which have been or may be acquired by it in connection with or as a part of its said Malton Plant, to use and occupy such part or parts of the road allowance between the Townships of Toronto and the Gore of Toronto and the road allowance between Lots Numbers 10 and 11 in the Seventh Concession of the Township of Toronto Gore as is or are within and/or under the jurisdiction of the said Trustees from the point marked "A" to the point marked "B" on the photostat of plan hereto annexed made by K. H. Darling and dated the 1st day of June, 1939, for the purposes of excavating and opening the soil thereof from time to time and constructing, installing, laying, repairing, inspecting, maintaining and operating thereunder a sewer or sewers forming part of the proposed sewage disposal and drainage system of National Steel Car Corporation Limited, including the sewers, pipes, mains, conduits, connections, apparatus, appliances, manholes and

fixtures necessary or incidental thereto with the right to attach or connect thereto the sewage disposal and/or drainage systems of any other person, corporation or commission;

2. That the Corporations of the Townships of Toronto and Gore of Toronto be and they are hereby requested to grant to National Steel Car Corporation Limited the said power, right, permission and authority.

ENACTED AND PASSED this 28th day of June, 1939.

"FRANK CLARK,"

"WALTER BEST,"

"R. T. LANGFORD."

(PLAN ATTACHED)

AGREEMENT made the 28th day of June, 1939,

BETWEEN:

THE TRUSTEES OF THE POLICE VILLAGE OF MALTON,
hereinafter called "the TRUSTEES"

OF THE FIRST PART,

—and—

NATIONAL STEEL CAR CORPORATION LIMITED,
hereinafter called "the COMPANY"

OF THE SECOND PART.

WHEREAS the Company has requested the Trustees to grant it the power, right, permission and authority to use and occupy the road allowance between the Townships of Toronto and the Gore of Toronto and the road allowance between Lots Numbers 10 and 11 in the Seventh Concession of the Township of Toronto Gore from the point marked "A" to the point marked "B" on the photostat of plan hereto annexed made by K. H. Darling and dated the 1st day of June, 1939, for the purposes of excavating and opening the soil thereof from time to time and constructing, installing, laying, repairing, inspecting, maintaining and operating thereunder a sewer or sewers forming part of the proposed sewage disposal and drainage system of the Company, including sewers, pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures necessary or incidental thereto with the right to attach or connect thereto the sewage disposal and/or drainage systems of any other person, corporation or commission;

AND WHEREAS the Trustees have by By-law Number passed on the 28th day of June, 1939 granted the said power, right, permission and authority with respect to such part or parts of the said road allowances as is or are within and/or under their jurisdiction, as appurtenant to the lands and premises at present comprising the Malton Plant of the Company, more particularly described in Schedule "A" hereto annexed, and all lands and premises which may have been or may be acquired by the Company in connection with or as a part of its said Plant;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises the Trustees do hereby grant to the Company, its successors and assigns, to be used and enjoyed as appurtenant to the lands and premises at present comprising the Malton Plant of the Company more particularly described in Schedule "A" hereto annexed and all lands and premises which have been or may be acquired by the Company in connection with or as a part of its said Plant, the power, right, permission and authority to use and occupy such part or parts of the road allowance between the Townships of Toronto and the Gore of Toronto and the road allowance between Lots Numbers 10 and 11 in the Seventh Concession of the Township of Toronto Gore as is or are within and/or under the jurisdiction of the said Trustees from the point marked "A" to the point marked "B" on the photostat of plan hereto annexed made by K. H. Darling and dated the 1st day of June, 1939, for the purposes of excavating

and opening the soil thereof from time to time and constructing, installing, laying, repairing, inspecting, maintaining and operating thereunder a sewer or sewers forming part of the proposed sewage disposal and drainage system of the Company, including the sewers, pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures necessary or incidental thereto with the right to attach or connect thereto the sewage disposal and/or drainage systems of any other person, corporation or commission.

THE said sewer or sewers, including pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures shall be laid under the said road allowances and shall be constructed, installed, laid, repaired, inspected, maintained and operated so as not to unduly obstruct or interfere with the use of the said road allowances or with the drains and culverts now constructed in, under or upon the same.

THE Company shall restore the said road allowances to the conditions they were in prior to the completion of any installation, construction and/or repair of the said sewer or sewers, including pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures.

THE Company hereby covenants and agrees with the Trustees that in the event of the formation of an area (which would include the said lands and premises of the Company) requiring local improvements, it will not object to the construction of the local improvements required by any petition.

THE Company shall indemnify and save harmless the Trustees from and against all loss, costs, charges and expenses which the Trustees may suffer or be put to by reason of or in consequence of the construction, operation, maintenance and/or repair of the said sewer or sewers.

IN WITNESS WHEREOF the parties hereto have executed this Agreement.

SIGNED, SEALED AND DELIVERED

In the presence of:

"J. D. GAYNOR."

"I. A. KENDALL."

"FRANK CLARK," (L.S.)

"WALTER BEST," (L.S.)

"R. T. LANGFORD," (L.S.)
*The Trustees of the Police
Village of Malton.*

NATIONAL STEEL CAR CORPORATION
LIMITED

"R. S. HART,"
Vice-President (Seal)

"CHAS. W. ADAM,"
Secretary.

SCHEDULE "A" referred to in the annexed Agreement made between The Trustees of the Police Village of Malton and National Steel Car Corporation Limited, dated the 28th day of June, 1939.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Toronto, in the County of Peel and Province of Ontario being composed of those parts of Lots Numbers 9 and 10 in the Sixth Concession east of Hurontario Street as more particularly described in a Conveyance registered in the Registry Office for the Registry Division of the County of Peel as Instrument Number 38328—Township of Toronto.

(PLAN ATTACHED)

SCHEDULE F

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Toronto Gore, in the County of Peel and the Province of Ontario, being composed of a part of the west half of Lot Number 11 in Concession VII in the Southern Division of the Township of Toronto Gore: the boundaries of the said parcel of land being described as follows:

PREMISING that all bearings herein are astronomic:

COMMENCING at a point in the south-easterly limit of the said west half of Lot Number 11 distant Nine hundred and twelve feet and two inches (912'2") measured on a course north thirty-nine degrees and thirty-three minutes (39°33') east thereon from the most southerly angle of said Lot Number 11; THENCE north fifty degrees and five minutes (50°5') west along the south-westerly limit of the lands herein described, one hundred and ten feet (110'), more or less, to the centre line of a creek; THENCE north-easterly along the said centre line of creek, with the stream, to the point of intersection with a line drawn parallel to the hereinbefore mentioned south-westerly limit of lands herein described and distant twenty-eight feet (28') north-easterly therefrom, measured at right angles thereto; THENCE south fifty degrees and five minutes (50°5') east along the line drawn parallel as aforesaid twenty-one feet (21'), more or less, to a point in the said line distant eighty-two feet (82') measured north-westerly thereon from the said south-easterly limit of the west half of Lot Number 11; THENCE south thirty-nine degrees and thirty-three minutes (39°33') west twenty-two feet (22'); THENCE south fifty degrees and five minutes (50°5') east eighty-two feet (82') to the said south-easterly limit of the west half of Lot Number 11; THENCE south thirty-nine degrees and thirty-three minutes (39°33') west along the last mentioned limit Six feet (6') to the point of commencement.



BILL

An Act respecting National Steel Car Corporation Limited.

1st Reading

March 7th, 1941

2nd Reading

3rd Reading

MR. KENNEDY

(Reprinted as amended by the Committee on Private Bills.)

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act respecting National Steel Car Corporation Limited.

MR. KENNEDY

BILL

An Act respecting National Steel Car Corporation Limited.

Preamble.

WHEREAS National Steel Car Corporation Limited, hereinafter called the "Company", has by its petition represented that it is the owner of the lands in the Township of Toronto, in the County of Peel described in Schedule A hereto on part or parts of which the Company has erected what is commonly known as its Malton Plant; that the Corporation of the County of Peel, the Corporation of the Township of Toronto, the Corporation of the Township of Toronto Gore and the Board of Trustees of the Police Village of Malton have respectively granted to the Company, its successors and assigns, by the respective by-laws and agreements set forth in Schedules B, C, D and E hereto, the power, right, permission and authority to use portions of the highways in the County of Peel known as the Sixth Line East (being the road allowance between the Townships of Toronto and Toronto Gore and other townships) and the Meadowvale-Malton side road (being the road allowance between lots numbers 10 and 11 in the seventh concession in the Southern Division of the Township of Toronto Gore and other concessions and townships) for constructing, maintaining and operating thereunder a sewer or sewers forming part of the sewage disposal and drainage system of the Company, including the fixtures and apparatus necessary or incidental thereto, and the right to attach or connect to such system the sewage disposal and drainage systems of any person, corporation or commission; that the Company obtained a grant of the right and easement to construct, maintain and operate a sewer or sewers on, in and under that part of the west half of lot number 11 in the seventh concession in the Southern Division of the Township of Toronto Gore described in Schedule F hereto and to drain, empty and discharge from its sewage disposal and drainage system into a creek running through part of the said lot number 11; that the Company has constructed and is maintaining and operating a sewage disposal plant and drainage system on the lands described in Schedule A hereto or part or parts thereof and, pursuant to the said by-laws, the said grant of easement and the said agreements, has con-

structed and is maintaining and operating a sewer or system of sewers and drains in and under portions of the said highways and on, in and under the lands described in Schedule F hereto, and is disposing of the effluent therefrom into a creek or watercourse or the bed thereof running through part of the west half of said lot number 11 and other lands; and that the above mentioned portions of the said highways now form part of the county road system of the Corporation of the County of Peel; and whereas the Company has by its petition prayed for special legislation in respect of the matters herein-after set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. By-law number 886 passed by the council of the Corporation of the County of Peel on the 14th day of June, 1939, and the agreement relating thereto dated the 15th day of June, 1939, between the said Corporation and the Company set forth in Schedule B hereto; by-law number 1247 passed by the council of the Corporation of the Township of Toronto on the 22nd day of June, 1939, and the agreement relating thereto dated the 22nd day of June, 1939, between the said Corporation and the Company set forth in Schedule C hereto; by-law number 620 passed by the council of the Corporation of the Township of Toronto Gore on the 15th day of June, 1939, and the agreement relating thereto dated the 15th day of June, 1939, between the said Corporation and the Company set forth in Schedule D hereto and the by-law passed by the trustees of the police village of Malton on the 28th day of June, 1939, and the agreement relating thereto dated the 28th day of June, 1939, between the said trustees and the Company set forth in Schedule E hereto, are and each of them is hereby validated and confirmed and declared to be legal, valid and binding upon the municipal corporation or police village by whose council or board of trustees such by-law was passed and upon the ratepayers thereof and upon the Corporation of the County of Peel and upon the ratepayers thereof without any further act of the said municipal corporations or of the said police village or of the electors of the said municipal corporations or of the said police village.

Peel County
By-law 886,
Toronto
Township
by-law 1247,
Toronto
Gore
Township
by-law 620,
Malton
Village
by-law and
agreements
validated.

2. The Company, its successors and assigns, shall have power to and may,—

Company's
powers.

- (a) construct, install, lay, repair, inspect, maintain, alter, replace, remove, use and operate a sewage disposal plant or plants and drainage system and

all appurtenances thereto on, in and under any part or parts of the lands described in Schedule A hereto;

- (b) construct, install, lay, repair, inspect, maintain, alter, replace, remove, use and operate in connection with such sewage disposal plant or plants and drainage system, a sewer or system of sewers and drains, including all mains, pipes, conduits, connections, apparatus, appliances, manholes, outlets and fixtures necessary or incidental thereto, in approximately their present position in and under the highways in the County of Peel known as the Sixth Line East (being the road allowance between the Townships of Toronto and Toronto Gore and other townships) and the Meadowvale-Malton side road (being the road allowance between lots numbers 10 and 11 in the seventh concession in the Southern Division of the Township of Toronto Gore and other concessions and townships) and on, in and under that part of the west half of lot number 11 in the seventh concession in the Southern Division of the Township of Toronto Gore described in Schedule F hereto, and on, in or under such other lands as the Company, its successors and assigns, may from time to time own, or over which it or they may from time to time have an easement for such purpose;
- (c) enter into and upon the highways mentioned in clause *b* or any part thereof at any time and from time to time by officers, servants, agents or workmen and with or without animals, vehicles and equipment and excavate and open such highways for any or all of the above purposes;
- (d) attach or connect to such sewage disposal plant or plants, the sewers, and to the sewer or system of sewers and drains used, maintained and operated in connection with such drainage system, the drains, from lands, buildings and premises in the vicinity of the lands described in Schedule A hereto occupied by Canadian Associated Aircraft Limited or any Company any of whose shares or securities are owned by the Company.
- (e) drain, empty, discharge and dispose of the effluent from such sewage disposal plant or plants and drainage system and the sewer or system of sewers and drains used, maintained and operated in connection therewith into the creek or watercourse or the bed thereof which runs through part of the west half of lot number 11 in the seventh concession in the

Southern Division of the Township of Toronto Gore and other lands and which is mentioned in Schedule F hereto; and

- (f) generally do and perform all acts and things required, necessary, suitable or expedient or which may be required, necessary, suitable or expedient for any or all of the above purposes.

3. In connection with the use, maintenance or operation of such sewage disposal plant or plants and drainage system or of the sewer or system of sewers and drains used, maintained or operated in connection therewith or the disposal of the effluent therefrom, the Company, its successors and assigns, and its and their officers, servants, agents and workmen shall have power to and may at any time and from time to time enter into and upon the whole course or channel or any part of the creek or watercourse referred to in clause e of section 2, and the banks and bed thereof and examine the same, and, with or without animals, vehicles and equipment, clear of obstruction or otherwise improve the said creek or watercourse or the bed, course or channel thereof; provided that the approval of the Department of Health for Ontario shall be obtained before the said creek or watercourse or the bed, course or channel thereof is cleared of obstruction or otherwise improved and provided that any dam or other similar work to be constructed in the said creek or watercourse or the bed, course or channel thereof shall be subject to the provisions of *The Lakes and Rivers Improvement Act*.

Power to enter upon creek.

4. The agreements and the powers and privileges conferred upon the Company under the by-laws referred to in section 1 may be assigned to any person or company upon such person or company executing and delivering to the Corporation of the County of Peel a covenant under seal binding such person or company to perform, observe and comply with all the obligations, regulations and conditions therein contained remaining to be complied with, observed and performed.

Assignment of by-laws and agreements.

5. This Act, including the said by-laws and agreements, shall enure to the benefit of and shall be binding upon the Company, its successors and assigns.

This Act to enure to the benefit of the Company.

6. This Act shall come into force on the day upon which it receives the Royal Assent.

Commencement of Act.

7. This Act may be cited as *The National Steel Car Corporation Limited Sewage Disposal Act, 1941*.

Short title.

SCHEDULE A

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the Township of Toronto, in the County of Peel and Province of Ontario being composed of:

FIRSTLY:

Those parts of Lots Numbers 9 and 10 in the Sixth Concession east of Hurontario Street, in the Township of Toronto, in the County of Peel and Province of Ontario, as more particularly described in a Conveyance registered in the Registry Office for the Registry Division of the County of Peel on the 6th day of April, 1938 as Instrument Number 38328—Township of Toronto.

SECONDLY:

Those parts of Lots Numbers 9 and 10 in the Sixth Concession east of Hurontario Street in the said Township as more particularly described in a Conveyance registered in the said Registry Office on the 12th day of June, 1939 as Instrument Number 39216—Township of Toronto.

THIRDLY:

Those parts of Lot Number 10 in the Sixth Concession east of Hurontario Street in the said Township, Lot Number 10 in the Fifth Concession east of Hurontario Street in the said Township and the allowance for road between the said Concessions Five and Six as more particularly described in a Conveyance registered in the said Registry Office on the 12th day of June, 1939 as Instrument Number 39218—Township of Toronto.

SAVING AND EXCEPTING out of and from the said parcels of lands and premises, or any of them, the lands conveyed to The Hydro-Electric Power Commission of Ontario.

SCHEDULE B

BY-LAW NUMBER 886

OF

THE CORPORATION OF THE COUNTY OF PEEL

A by-law authorizing National Steel Car Corporation Limited to construct, install, lay, repair, inspect, maintain and operate works required for a sewage disposal and drainage system.

WHEREAS National Steel Car Corporation Limited is the present registered owner of the following lands and premises:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Toronto, in the County of Peel and Province of Ontario being composed of that part of Lot Number 9 in the Sixth Concession east of Hurontario Street as more particularly described in a Conveyance registered in the Registry Office for the Registry Division of the County of Peel as Instrument Number 38328—Township of Toronto,

on which is at present erected what is known as its Malton Plant;

AND WHEREAS National Steel Car Corporation Limited has requested this Corporation to grant it, as appurtenant to such lands and premises and all lands and premises which have been or may be acquired by it in connection with or as a part of its said Plant, the power, right, permission and authority to use and occupy the road allowance between the Townships of Toronto and Gore of Toronto and the road allowance between Lots Numbers 10 and 11 in the Seventh Concession of the Township of Toronto Gore from the point marked "A" to the point marked "B" on the photostat of plan hereto annexed made by K. H. Darling and dated the 1st day of June, 1939, for the purposes of excavating and opening the soil thereof from time to time and constructing, installing, laying, repairing, inspecting, maintaining and operating thereunder a sewer or sewers forming part of the proposed sewage disposal and drainage system of National Steel Car Corporation Limited, including sewers, pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures necessary or incidental thereto with the right to attach or connect thereto the sewage disposal and/or drainage systems of any other person, corporation or commission;

AND WHEREAS this Corporation has agreed to grant the said power, right, permission and authority with respect to such part or parts of the said road allowances as is or are within and/or under the jurisdiction of this Corporation;

NOW THEREFORE the Council of the Corporation of the County of Peel enacts as follows:

1. That National Steel Car Corporation Limited, its successors and assigns, be and it is and they are hereby granted the power, right, permission and authority as appurtenant to its said lands and premises hereinbefore described and all lands and premises which have been or may be acquired by it in connection with or as a part of its said Malton Plant, to use and occupy such part or parts of the road allowance between the Townships of Toronto and the Gore of Toronto and the road allowance between Lots Numbers 10 and 11 in the Seventh Concession of the Township of Toronto Gore as is or are within and/or under the jurisdiction of this Corporation from the point marked "A" to the point marked "B" on the photostat of plan hereto annexed made by K. H. Darling and dated the 1st day of June, 1939, for the purposes of excavating and opening the soil thereof from time to time and constructing, installing, laying,

repairing, inspecting, maintaining and operating thereunder a sewer or sewers forming part of the proposed sewage disposal and drainage system of National Steel Car Corporation Limited, including the sewers, pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures necessary or incidental thereto with the right to attach or connect thereto the sewage disposal and/or drainage systems of any other person, corporation or commission;

2. That Warden, the Clerk, and the Engineer of this Corporation be and they are hereby authorized and empowered to execute and deliver any grant and/or agreement which may be necessary or requisite and to affix the Corporate Seal thereto.

ENACTED AND PASSED this 14th day of June, 1939.

(Warden) "W. A. BATES,"
 "DAVID WILSON,"
Clerk.
 "N. L. POWELL,"
County Engineer.

(Seal)

(PLAN ATTACHED)

AGREEMENT made the 15th day of June, 1939,

BETWEEN:

THE CORPORATION OF THE COUNTY OF PEEL,
 hereinafter called "the CORPORATION"

OF THE FIRST PART.

—and—

NATIONAL STEEL CAR CORPORATION LIMITED,
 hereinafter called "the COMPANY"

OF THE SECOND PART.

WHEREAS the Company has requested the Corporation to grant it the power, right, permission and authority to use and occupy the road allowance between the Townships of Toronto and the Gore of Toronto and the road allowance between Lots Numbers 10 and 11 in the Seventh Concession of the Township of Toronto Gore from the point marked "A" to the point marked "B" on the photostat of plan hereto annexed made by K. H. Darling and dated the 1st day of June, 1939, for the purposes of excavating and opening the soil thereof from time to time and constructing, installing, laying, repairing, inspecting, maintaining and operating thereunder a sewer or sewers forming part of the proposed sewage disposal and drainage system of the Company, including sewers, pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures necessary or incidental thereto with the right to attach or connect thereto the sewage disposal and/or drainage systems of any other person, corporation or commission;

AND WHEREAS the Corporation has by By-law Number 886 passed on the 14th day of June, 1939 granted the said power, right, permission and authority with respect to such part or parts of the said road allowances as is or are within and/or under the jurisdiction of the Corporation, as appurtenant to the lands and premises at present comprising the Malton Plant of the Company, more particularly described in Schedule "A" hereto annexed, and all lands and premises which may have been or may be acquired by the Company in connection with or as a part of its said Plant;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises the Corporation doth hereby grant to the Company, its successors and assigns, to be used and enjoyed, as appurtenant to the lands and premises at present comprising the Malton Plant of the Company more particularly described in Schedule "A" hereto annexed and all lands and premises which have been or may be acquired by the Com-

pany in connection with or as a part of its said Plant, the power, right, permission and authority to use and occupy such part or parts of the road allowance between the Townships of Toronto and the Gore of Toronto and the road allowance between Lots Numbers 10 and 11 in the Seventh Concession of the Township of Toronto Gore as is or are within and/or under the jurisdiction of the Corporation from the point marked "A" to the point marked "B" on the photostat of plan hereto annexed made by K. H. Darling and dated the 1st day of June, 1939, for the purposes of excavating and opening the soil thereof from time to time and constructing, installing, laying, repairing, inspecting, maintaining and operating thereunder a sewer or sewers forming part of the proposed sewage disposal and drainage system of the Company, including the sewers, pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures necessary or incidental thereto with the right to attach or connect thereto the sewage disposal and/or drainage systems of any other person, corporation or commission.

THE said sewer or sewers, including pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures shall be laid under the said road allowances and shall be constructed, installed, laid, repaired, inspected, maintained and operated so as not to unduly obstruct or interfere with the use of the said road allowances or with the drains and culverts now constructed in, under or upon the same.

THE Company shall restore the said road allowances to the conditions they were in prior to the completion of any installation, construction and/or repair of the said sewer or sewers, including pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures.

THE Company shall indemnify and save harmless the Corporation from and against all loss, costs, charges and expenses which the Corporation may suffer or be put to by reason of or in consequence of any negligence on the part of the Company, its servants, agents and workmen, in the construction, operation and/or repair of the said sewer or sewers.

IN WITNESS WHEREOF the parties hereto have caused these presents to be executed under their respective Corporate Seals, by their respective officers in that behalf.

SIGNED, SEALED AND DELIVERED

In the presence of:

"E. D. MAGUIRE,"

(Seal)

"N. WAGNER,"

THE CORPORATION OF THE COUNTY
OF PEEL

"W. A. BATES,"
Warden.

"DAVID WILSON,"
Clerk.

"N. L. POWELL,"
County Engineer.

NATIONAL STEEL CAR CORPORATION
LIMITED

"R. S. HART,"
Vice-President.

"CHAS. W. ADAM,"
Secretary.

(Seal)

SCHEDULE "A" referred to in the annexed Agreement made between The Corporation of the County of Peel and National Steel Car Corporation Limited, dated the 15th day of June, 1939.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Toronto, in the County of Peel and Province of Ontario being composed of that part of Lot Number 9 in the Sixth Concession east of Hurontario Street as more particularly described in a Conveyance registered in the Registry Office for the Registry Division of the County of Peel as Instrument Number 38328—Township of Toronto.

(PLAN ATTACHED)

SCHEDULE C

BY-LAW NUMBER 1247

OF

THE CORPORATION OF THE TOWNSHIP OF TORONTO

A By-law authorizing National Steel Car Corporation Limited to construct, install, lay, repair, inspect, maintain and operate works required for a sewage disposal and drainage system.

WHEREAS National Steel Car Corporation Limited is the present registered owner of the following lands and premises:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Toronto, in the County of Peel and Province of Ontario being composed of those parts of Lots Numbers 9 and 10 in the Sixth Concession east of Hurontario Street as more particularly described in a Conveyance registered in the Registry Office for the Registry Division of the County of Peel as Instrument Number 38328—Township of Toronto,

on which is at present erected what is known as its Malton Plant;

AND WHEREAS National Steel Car Corporation Limited has requested this Corporation to grant it, as appurtenant to such lands and premises and all lands and premises which have been or may be acquired by it in connection with or as a part of its said Plant, the power, right, permission and authority to use and occupy the road allowance between the Townships of Toronto and Gore of Toronto and the road allowance between Lots Numbers 10 and 11 in the Seventh Concession of the Township of Toronto Gore from the point marked "A" to the point marked "B" on the photostat of plan hereto annexed made by K. H. Darling and dated the 1st day of June, 1939 for the purposes of excavating and opening the soil thereof from time to time and constructing, installing, laying, repairing, inspecting, maintaining and operating thereunder a sewer or sewers forming part of the proposed sewage disposal and drainage system of National Steel Car Corporation Limited, including sewers, pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures necessary or incidental thereto with the right to attach or connect thereto the sewage disposal and/or drainage systems of any other person, corporation or commission;

AND WHEREAS this Corporation has agreed to grant the said power, right, permission and authority with respect to such part or parts of the said road allowances as is or are within and/or under the jurisdiction of this Corporation;

AND WHEREAS the Trustees of the Police Village of Malton have consented and have requested this Corporation to grant the said power, right, permission and authority with respect to such parts of the said road allowances as are within the limits of the said Village;

NOW THEREFORE the Council of the Corporation of the Township of Toronto enacts as follows:

1. That National Steel Car Corporation Limited, its successors and assigns, be and it is and they are hereby granted the power, right, permission and authority, as appurtenant to its said lands and premises hereinbefore described and all lands and premises which have been or may be acquired by it in connection with or as a part of its said Malton Plant, to use and occupy such part or parts of the road allowance between the Townships of Toronto and the Gore of Toronto and the road allowance between Lots Numbers 10 and 11 in the Seventh Concession of the Town-

ship of Toronto Gore as is or are within and/or under the jurisdiction of this Corporation from the point marked "A" to the point marked "B" on the photostat of plan hereto annexed made by K. H. Darling and dated the 1st day of June, 1939, for the purposes of excavating and opening the soil thereof from time to time and constructing, installing, laying, repairing, inspecting, maintaining and operating thereunder a sewer or sewers forming part of the proposed sewage disposal and drainage system of National Steel Car Corporation Limited, including the sewers, pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures necessary or incidental thereto with the right to attach or connect thereto the sewage disposal and/or drainage systems of any other person, corporation or commission;

2. That E. D. Maguire, the Reeve, and J. H. Pinchin, the Clerk of this Corporation be and they are hereby authorized and empowered to execute and deliver any grant and/or agreement which may be necessary or requisite and to affix the Corporate Seal thereto.

ENACTED AND PASSED this 22nd day of June, 1939.

"E. D. MAGUIRE,"

Reeve.

"J. H. PINCHIN," (Seal)

Clerk.

(PLAN ATTACHED)

AGREEMENT made the 22nd day of June, 1939,

BETWEEN:

THE CORPORATION OF THE TOWNSHIP OF TORONTO,
hereinafter called "the CORPORATION"

OF THE FIRST PART.

—and—

NATIONAL STEEL CAR CORPORATION LIMITED,
hereinafter called "the COMPANY"

OF THE SECOND PART,

WHEREAS the Company has requested the Corporation to grant it the power, right, permission and authority to use and occupy the road allowance between the Townships of Toronto and the Gore of Toronto and the road allowance between Lots Numbers 10 and 11 in the Seventh Concession of the Township of Toronto Gore from the point marked "A" to the point marked "B" on the photostat of plan hereto annexed made by K. H. Darling and dated the 1st day of June, 1939, for the purposes of excavating and opening the soil thereof from time to time and constructing, installing, laying, repairing, inspecting, maintaining and operating thereunder a sewer or sewers forming part of the proposed sewage disposal and drainage system of the Company, including sewers, pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures necessary or incidental thereto with the right to attach or connect thereto the sewage disposal and/or drainage systems of any other person, corporation or commission;

AND WHEREAS the Corporation has by By-law Number 1247 passed on the 22nd day of June, 1939 granted the said power, right, permission and authority with respect to such part or parts of the said road allowances as is or are within and/or under the jurisdiction of the Corporation, as appurtenant to the lands and premises at present comprising the Malton Plant of the Company, more particularly described in Schedule "A" hereto annexed, and all lands and premises which may have been or may be acquired by the Company in connection with or as a part of its said Plant;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises the Corporation doth hereby grant to the Company, its successors and assigns, to be used and enjoyed, as appurtenant to the lands and premises at present comprising the Malton Plant of the Company more particularly described in Schedule "A" hereto annexed and all lands and premises which have been or may be acquired by the Company in connection with or as a part of its said Plant, the power, right, permission and authority to use and occupy such part or parts of the road allowance between the Townships of Toronto and the Gore of Toronto and the road allowance between Lots Numbers 10 and 11 in the Seventh Concession of the Township of Toronto Gore as is or are within and/or under the jurisdiction of the Corporation from the point marked "A" to the point marked "B" on the photostat of plan hereto annexed made by K. H. Darling and dated the 1st day of June, 1939, for the purposes of excavating and opening the soil thereof from time to time and constructing, installing, laying, repairing, inspecting, maintaining and operating thereunder a sewer or sewers forming part of the proposed sewage disposal and drainage system of the Company, including the sewers, pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures necessary or incidental thereto with the right to attach or connect thereto the sewage disposal and/or drainage systems of any other person, corporation or commission.

THE said sewer or sewers, including pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures shall be laid under the said road allowances and shall be constructed, installed, laid, repaired, inspected, maintained and operated so as not to unduly obstruct or interfere with the use of the said road allowances or with the drains and culverts now constructed in, under or upon the same.

THE Company shall restore the said road allowances to the conditions they were in prior to the completion of any installation, construction and/or repair of the said sewer or sewers, including pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures.

THE Company hereby covenants and agrees with the Corporation that in the event of the formation of an area (which would include the said lands and premises of the Company) requiring local improvements, it will not object to the construction of the local improvements required by such petition.

THE Company shall indemnify and save harmless the Corporation from and against all loss, costs, charges and expenses which the Corporation may suffer or be put to by reason of or in consequence of the construction, operation, maintenance and/or repair of the said sewer or sewers.

IN WITNESS WHEREOF the parties hereto have caused these presents to be executed under their respective Corporate Seals, by their respective officers in that behalf.

SIGNED, SEALED AND DELIVERED

In the presence of:

"CLARA DENISON."

"I. A. KENDALL."

THE CORPORATION OF THE TOWNSHIP
OF TORONTO

"E. D. MAGUIRE,"
Reeve.

(Seal)

"J. H. PINCHIN,"
Clerk.

NATIONAL STEEL CAR CORPORATION
LIMITED

"R. S. HART,"
Vice-President.

(Seal)

"CHAS. W. ADAM,"
Secretary.

SCHEDULE "A" referred to in the annexed Agreement made between The Corporation of the Township of Toronto and National Steel Car Corporation Limited, dated the 22nd day of June, 1939.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Toronto, in the County of Peel and Province of Ontario being composed of those parts of Lots Numbers 9 and 10 in the Sixth Concession east of Hurontario Street as more particularly described in a Conveyance registered in the Registry Office for the Registry Division of the County of Peel as Instrument Number 38328—Township of Toronto.

(PLAN ATTACHED)

SCHEDULE D

BY-LAW NUMBER 620

OF

THE CORPORATION OF THE TOWNSHIP OF TORONTO GORE

A by-law authorizing National Steel Car Corporation Limited to construct, install, lay, repair, inspect, maintain and operate works required for a sewage disposal and drainage system.

WHEREAS National Steel Car Corporation Limited is the present registered owner of the following lands and premises:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Toronto, in the County of Peel and Province of Ontario being composed of that part of Lots Numbers 9 and 10 in the Sixth Concession east of Hurontario Street as more particularly described in a Conveyance registered in the Registry Office for the Registry Division of the County of Peel as Instrument Number 38328—Township of Toronto,

on which is at present erected what is known as its Malton Plant;

AND WHEREAS National Steel Car Corporation Limited has requested this Corporation to grant it, as appurtenant to such lands and premises and all lands and premises which have been or may be acquired by it in connection with or as a part of its said Plant, the power, right, permission and authority to use and occupy the road allowance between the Townships of Toronto and Gore of Toronto and the road allowance between Lots Numbers 10 and 11 in the Seventh Concession of the Township of Toronto Gore from the point marked "A" to the point marked "B" on the photostat of plan hereto annexed made by K. H. Darling and dated the 1st day of June, 1939, for the purposes of excavating and opening the soil thereof from time to time and constructing, installing, laying, repairing, inspecting, maintaining and operating thereunder a sewer or sewers forming part of the proposed sewage disposal and drainage system of National Steel Car Corporation Limited, including sewers, pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures necessary or incidental thereto with the right to attach or connect thereto the sewage disposal and/or drainage systems of any other person, corporation or commission;

AND WHEREAS this Corporation has agreed to grant the said power, right, permission and authority with respect to such part or parts of the said road allowances as is or are within and/or under the jurisdiction of this Corporation;

AND WHEREAS the Trustees of the Police Village of Malton have consented and have requested this Corporation to grant the said power, right, permission and authority with respect to such parts of the said road allowances as are within the limits of the said Village:

NOW THEREFORE the Council of the Corporation of the Township of Toronto Gore enacts as follows:

1. That National Steel Car Corporation Limited, its successors and assigns, be and it is and they are hereby granted the power, right, permission and authority, as appurtenant to its said lands and premises hereinbefore described and all lands and premises which have been or may be acquired by it in connection with or as a part of its said Malton Plant, to use and occupy such part or parts of the road allowance between the Townships of Toronto and the Gore of Toronto and the road allowance

between Lots Numbers 10 and 11 in the Seventh Concession of the Township of Toronto Gore as is or are within and/or under the jurisdiction of this Corporation from the point marked "A" to the point marked "B" on the photostat of plan hereto annexed made by K. H. Darling and dated the 1st day of June, 1939, for the purposes of excavating and opening the soil thereof from time to time and constructing, installing, laying, repairing, inspecting, maintaining and operating thereunder a sewer or sewers forming part of the proposed sewage disposal and drainage system of National Steel Car Corporation Limited, including the sewers, pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures necessary or incidental thereto with the right to attach or connect thereto the sewage disposal and/or drainage systems of any other person, corporation or commission;

2. That

, the Reeve, and
, the Clerk

of this Corporation be and they are hereby authorized and empowered to execute and deliver any grant and/or agreement which may be necessary or requisite and to affix the Corporate Seal thereto.

ENACTED AND PASSED this 15th day of June, 1939.

"CHAS. C. LONDON,"

"JOHN O'REILLY."

(PLAN ATTACHED)

AGREEMENT made the 15th day of June, 1939,

BETWEEN:

THE CORPORATION OF THE TOWNSHIP OF THE GORE OF TORONTO,
hereinafter called "the CORPORATION",

OF THE FIRST PART,

—and—

NATIONAL STEEL CAR CORPORATION LIMITED,
hereinafter called "the COMPANY",

OF THE SECOND PART.

WHEREAS the Company has requested the Corporation to grant it the power, right, permission and authority to use and occupy the road allowance between the Townships of Toronto and the Gore of Toronto and the road allowance between Lots Numbers 10 and 11 in the Seventh Concession of the Township of Toronto Gore from the point marked "A" to the point marked "B" on the photostat of plan hereto annexed made by K. H. Darling and dated the 1st day of June, 1939, for the purposes of excavating and opening the soil thereof from time to time and constructing, installing, laying, repairing, inspecting, maintaining and operating thereunder a sewer or sewers forming part of the proposed sewage disposal and drainage system of the Company, including sewers, pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures necessary or incidental thereto with the right to attach or connect thereto the sewage disposal and/or drainage systems of any other person, corporation or commission;

AND WHEREAS the Corporation has by By-law Number 620 passed on the 15th day of June, 1939, granted the said power, right, permission and authority with respect to such part or parts of the said road allowances as is or are within and/or under the jurisdiction of the Corporation, as appurtenant to the lands and premises at present comprising the Malton Plant of the Company, more particularly described in Schedule "A" hereto annexed, and all lands and premises which may have been or may be acquired in connection with or as a part of the said Plant;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises the Corporation doth hereby grant to the Company, its successors and assigns, to be used and enjoyed, as appurtenant to the

lands and premises at present comprising the Malton Plant of the Company more particularly described in Schedule "A" hereto annexed and all lands and premises which have been or may be acquired in connection with or as a part of the said Plant, the power, right, permission and authority to use and occupy such part or parts of the road allowance between the Townships of Toronto and the Gore of Toronto and the road allowance between Lots Numbers 10 and 11 in the Seventh Concession of the Township of Toronto Gore from the point marked "A" to the point marked "B" on the photostat of plan hereto annexed made by K. H. Darling and dated the 1st day of June, 1939, as is or are within and/or under the jurisdiction of the Corporation for the purposes of excavating and opening the soil thereof from time to time and constructing, installing, laying, repairing, inspecting, maintaining and operating thereunder a sewer or sewers forming part of the proposed sewage disposal and drainage system of the Company, including the sewers, pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures necessary or incidental thereto with the right to attach or connect thereto the sewage disposal and/or drainage systems of any other person, corporation or commission.

THE said sewer or sewers, including pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures shall be laid under the said road allowances and shall be constructed, installed, laid, repaired, inspected, maintained and operated so as not to unduly obstruct or interfere with the use of the said road allowances or with the drains and culverts now constructed in, under or upon the same.

THE Company shall, upon the completion of any installation, construction, maintenance and/or repair of the said sewer or sewers, including pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures, restore the said road allowances to their proper levels and grades, and leave surface of road as they found it.

THE Company shall indemnify and save harmless the Corporation from and against all loss, costs, charges and expenses which the Corporation may suffer or be put to by reason of or in consequence of any negligence on the part of the Company, its servants, agents and workmen, in the construction, operation and/or repair of the said sewer or sewers and/or by reason of or in consequence of the discharging from its said sewage disposal and drainage system into the creek running through Lot Number 11 in the Seventh Concession, Southern Division of the Township of the Gore of Toronto.

IN WITNESS WHEREOF the parties hereto have caused these presents to be executed under their respective Corporate Seals, by their respective officers in that behalf.

SIGNED, SEALED AND DELIVERED

In the presence of:

"JOHN G. HOOPER."

"N. WAGNER."

THE CORPORATION OF THE TOWNSHIP
OF THE GORE OF TORONTO

"CHAS. C. LONDON",

Reeve.

(Seal)

"JOHN O'REILLY,"

Clerk.

NATIONAL STEEL CAR CORPORATION
LIMITED

"R. S. HART,"

Vice-President.

(Seal)

"CHAS. W. ADAM,"

Secretary.

SCHEDULE "A" referred to in the annexed Agreement made between the Corporation of the Township of the Gore of Toronto and National Steel Car Corporation Limited, dated the 15th day of June, 1939.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Toronto, in the County of Peel and Province of Ontario, being composed of those parts of Lots Numbers 9 and 10 in the Sixth Concession east of Hurontario Street as more particularly described in a Conveyance registered in the Registry Office for the Registry Division of the County of Peel as Instrument Number 38328—Township of Toronto.

(PLAN ATTACHED)

SCHEDULE E

BY-LAW NUMBER

OF

THE TRUSTEES OF THE POLICE VILLAGE OF MALTON

A by-law authorizing National Steel Car Corporation Limited to construct, install, lay, repair, inspect, maintain and operate works required for a sewage disposal and drainage system.

WHEREAS National Steel Car Corporation Limited is the present registered owner of the following lands and premises:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Toronto, in the County of Peel and Province of Ontario being composed of that part of Lots Number 9 and 10 in the Sixth Concession east of Hurontario Street as more particularly described in a Conveyance registered in the Registry Office for the Registry Division of the County of Peel as Instrument Number 38328—Township of Toronto,

on which is at present erected what is known as its Malton Plant;

AND WHEREAS National Steel Car Corporation Limited has requested the Trustees of the Police Village of Malton to grant it, as appurtenant to such lands and premises and all lands and premises which have been or may be acquired by it in connection with or as a part of its said Plant, the power, right, permission and authority to use and occupy the road allowance between the Townships of Toronto and Gore of Toronto and the road allowance between Lots Numbers 10 and 11 in the Seventh Concession of the Township of Toronto Gore from the point marked "A" to the point marked "B" on the photostat of plan hereto annexed made by K. H. Darling and dated the 1st day of June, 1939, for the purposes of excavating and opening the soil thereof from time to time and constructing, installing, laying, repairing, inspecting, maintaining and operating thereunder a sewer or sewers forming part of the proposed sewage disposal and drainage system of National Steel Car Corporation Limited, including sewers, pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures necessary or incidental thereto with the right to attach or connect thereto the sewage disposal and/or drainage systems of any other person, corporation or commission;

AND WHEREAS the said Trustees have agreed to grant the said power, right, permission and authority with respect to such part or parts of the said road allowances as is or are within and/or under the jurisdiction of the said Trustees;

NOW THEREFORE the Trustees of the Police Village of Malton enact as follows:

1. That National Steel Car Corporation Limited, its successors and assigns, be and it is and they are hereby granted the power, right, permission and authority, as appurtenant to its said lands and premises hereinbefore described and all lands and premises which have been or may be acquired by it in connection with or as a part of its said Malton Plant, to use and occupy such part or parts of the road allowance between the Townships of Toronto and the Gore of Toronto and the road allowance between Lots Numbers 10 and 11 in the Seventh Concession of the Township of Toronto Gore as is or are within and/or under the jurisdiction of the said Trustees from the point marked "A" to the point marked "B" on the photostat of plan hereto annexed made by K. H. Darling and dated the 1st day of June, 1939, for the purposes of excavating and opening the soil thereof from time to time and constructing, installing, laying, repairing, inspecting, maintaining and operating thereunder a sewer or sewers forming part of the proposed sewage disposal and drainage system of National Steel Car Corporation Limited, including the sewers, pipes, mains, conduits, connections, apparatus, appliances, manholes and

fixtures necessary or incidental thereto with the right to attach or connect thereto the sewage disposal and/or drainage systems of any other person, corporation or commission;

2. That the Corporations of the Townships of Toronto and Gore of Toronto be and they are hereby requested to grant to National Steel Car Corporation Limited the said power, right, permission and authority.

ENACTED AND PASSED this 28th day of June, 1939.

"FRANK CLARK,"
"WALTER BEST,"
"R. T. LANGFORD."

(PLAN ATTACHED)

AGREEMENT made the 28th day of June, 1939,

BETWEEN:

THE TRUSTEES OF THE POLICE VILLAGE OF MALTON,
hereinafter called "the TRUSTEES"

OF THE FIRST PART,

—and—

NATIONAL STEEL CAR CORPORATION LIMITED,
hereinafter called "the COMPANY"

OF THE SECOND PART.

WHEREAS the Company has requested the Trustees to grant it the power, right, permission and authority to use and occupy the road allowance between the Townships of Toronto and the Gore of Toronto and the road allowance between Lots Numbers 10 and 11 in the Seventh Concession of the Township of Toronto Gore from the point marked "A" to the point marked "B" on the photostat of plan hereto annexed made by K. H. Darling and dated the 1st day of June, 1939, for the purposes of excavating and opening the soil thereof from time to time and constructing, installing, laying, repairing, inspecting, maintaining and operating thereunder a sewer or sewers forming part of the proposed sewage disposal and drainage system of the Company, including sewers, pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures necessary or incidental thereto with the right to attach or connect thereto the sewage disposal and/or drainage systems of any other person, corporation or commission;

AND WHEREAS the Trustees have by By-law Number passed on the 28th day of June, 1939 granted the said power, right, permission and authority with respect to such part or parts of the said road allowances as is or are within and/or under their jurisdiction, as appurtenant to the lands and premises at present comprising the Malton Plant of the Company, more particularly described in Schedule "A" hereto annexed, and all lands and premises which may have been or may be acquired by the Company in connection with or as a part of its said Plant;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises the Trustees do hereby grant to the Company, its successors and assigns, to be used and enjoyed as appurtenant to the lands and premises at present comprising the Malton Plant of the Company more particularly described in Schedule "A" hereto annexed and all lands and premises which have been or may be acquired by the Company in connection with or as a part of its said Plant, the power, right, permission and authority to use and occupy such part or parts of the road allowance between the Townships of Toronto and the Gore of Toronto and the road allowance between Lots Numbers 10 and 11 in the Seventh Concession of the Township of Toronto Gore as is or are within and/or under the jurisdiction of the said Trustees from the point marked "A" to the point marked "B" on the photostat of plan hereto annexed made by K. H. Darling and dated the 1st day of June, 1939, for the purposes of excavating

and opening the soil thereof from time to time and constructing, installing, laying, repairing, inspecting, maintaining and operating thereunder a sewer or sewers forming part of the proposed sewage disposal and drainage system of the Company, including the sewers, pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures necessary or incidental thereto with the right to attach or connect thereto the sewage disposal and/or drainage systems of any other person, corporation or commission.

THE said sewer or sewers, including pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures shall be laid under the said road allowances and shall be constructed, installed, laid, repaired, inspected, maintained and operated so as not to unduly obstruct or interfere with the use of the said road allowances or with the drains and culverts now constructed in, under or upon the same.

THE Company shall restore the said road allowances to the conditions they were in prior to the completion of any installation, construction and/or repair of the said sewer or sewers, including pipes, mains, conduits, connections, apparatus, appliances, manholes and fixtures.

THE Company hereby covenants and agrees with the Trustees that in the event of the formation of an area (which would include the said lands and premises of the Company) requiring local improvements, it will not object to the construction of the local improvements required by any petition.

THE Company shall indemnify and save harmless the Trustees from and against all loss, costs, charges and expenses which the Trustees may suffer or be put to by reason of or in consequence of the construction, operation, maintenance and/or repair of the said sewer or sewers.

IN WITNESS WHEREOF the parties hereto have executed this Agreement.

SIGNED, SEALED AND DELIVERED

In the presence of:

"J. D. GAYNOR."

"I. A. KENDALL."

"FRANK CLARK," (L.S.)

"WALTER BEST," (L.S.)

"R. T. LANGFORD," (L.S.)
*The Trustees of the Police
Village of Malton.*

NATIONAL STEEL CAR CORPORATION
LIMITED

"R. S. HART,"
Vice-President (Seal)

"CHAS. W. ADAM,"
Secretary.

SCHEDULE "A" referred to in the annexed Agreement made between The Trustees of the Police Village of Malton and National Steel Car Corporation Limited, dated the 28th day of June, 1939.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Toronto, in the County of Peel and Province of Ontario being composed of those parts of Lots Numbers 9 and 10 in the Sixth Concession east of Hurontario Street as more particularly described in a Conveyance registered in the Registry Office for the Registry Division of the County of Peel as Instrument Number 38328—Township of Toronto.

(PLAN ATTACHED)

SCHEDULE F

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Toronto Gore, in the County of Peel and the Province of Ontario, being composed of a part of the west half of Lot Number 11 in Concession VII in the Southern Division of the Township of Toronto Gore: the boundaries of the said parcel of land being described as follows:

PREMISING that all bearings herein are astronomic:

COMMENCING at a point in the south-easterly limit of the said west half of Lot Number 11 distant Nine hundred and twelve feet and two inches (912'2") measured on a course north thirty-nine degrees and thirty-three minutes (39°33') east thereon from the most southerly angle of said Lot Number 11; THENCE north fifty degrees and five minutes (50°5') west along the south-westerly limit of the lands herein described, one hundred and ten feet (110'), more or less, to the centre line of a creek; THENCE north-easterly along the said centre line of creek, with the stream, to the point of intersection with a line drawn parallel to the hereinbefore mentioned south-westerly limit of lands herein described and distant twenty-eight feet (28') north-easterly therefrom, measured at right angles thereto; THENCE south fifty degrees and five minutes (50°5') east along the line drawn parallel as aforesaid twenty-one feet (21'), more or less, to a point in the said line distant eighty-two feet (82') measured north-westerly thereon from the said south-easterly limit of the west half of Lot Number 11; THENCE south thirty-nine degrees and thirty-three minutes (39°33') west twenty-two feet (22'); THENCE south fifty degrees and five minutes (50°5') east eighty-two feet (82') to the said south-easterly limit of the west half of Lot Number 11; THENCE south thirty-nine degrees and thirty-three minutes (39°33') west along the last mentioned limit Six feet (6') to the point of commencement.



BILL

An Act respecting National Steel Car Corporation Limited.

1st Reading

March 7th, 1941

2nd Reading

March 31st, 1941

3rd Reading

April 7th, 1941

MR. KENNEDY

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act respecting the City of Toronto.

MR. STRACHAN

(PRIVATE BILL)

BILL

An Act respecting the City of Toronto.

Preamble.

WHEREAS the Corporation of the City of Toronto has by its petition prayed for special legislation in respect of the several matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Retiring allowances validated.

1. The retiring allowances granted or purported to have been granted by the council of the Corporation of the City of Toronto prior to the 5th day of March, 1940, to any employee or servant of the said Corporation who had been in the service of the Corporation for at least twenty years and who while in such service had become incapable through illness or old age of efficiently discharging his duties, are hereby validated and confirmed and declared to be, and to always have been, legal, valid and binding upon the said Corporation and the rate-payers thereof.

1921, c. 126, s. 8, amended.

2. Section 8 of *An Act respecting the City of Toronto* passed in the eleventh year of the reign of His late Majesty King George V is amended by adding thereto the following clause:

- (a) For the purposes of this section "permanent employees" shall include persons formerly employed by the corporation but who ceased to be so employed before the passing of such by-law.

1936, c. 84, s. 6, subs. 1, cl. a, amended.

3.—(1) Clause *a* of subsection 1 of section 6 of *The City of Toronto Act, 1936*, is amended by inserting after the word "building" in the first line the words "tent, trailer or other covering or structure", so that the said clause shall now read as follows:

"Dwelling."

- (a) "Dwelling" shall mean and include any building, tent, trailer or other covering or structure the whole or any portion of which is used or intended for use

for the purposes of human habitation with the land and premises appurtenant thereto and all outbuildings, fences or erections thereon or therein.

1936, c. 84,
s. 6,
amended.

(2) The said section 6 as amended by section 6 of *The City of Toronto Act, 1938*, is further amended by adding thereto the following subsection:

Exception
as to
tourists.

(11) This section shall not extend or apply to *bona fide* tourists so as to prevent the parking of their trailers for a reasonable length of time in areas where proper parking facilities are provided.

Portion of
westerly
city limit
defined.

4. Notwithstanding the provisions of a certain Proclamation dated the 30th day of December, 1890, and approved by the Lieutenant-Governor in Council, by which a block of land was added to the Town of West Toronto Junction and which was subsequently annexed to the City of Toronto, the westerly limit of the said City between Bloor Street West and Annette Street shall from and after the 1st day of January, 1941, be defined as follows:

Commencing at a point in the northerly limit of Bloor Street where the same is intersected by a line drawn parallel to the easterly limit of the lands included in Registered Plan D-1456 and at the perpendicular distance of one hundred and ten feet (110') measured westerly therefrom;

Thence northerly, along the said parallel line to the southerly limit of Folkes Street;

Thence northerly, in a straight line across Folkes Street to a point in the northerly limit thereof distant twenty feet (20') measured westerly thereon from the south-easterly angle of lot No. 16 according to Registered Plan No. 2011 (York);

Thence northerly, parallel to the easterly limit of the said lot No. 16 to a point in the northerly limit of the said lot No. 16, being also a point in the southerly limit of lot No. 76 according to Registered Plan No. 873 (York) which said point is distant twenty-five feet (25') measured westerly along the said southerly limit of the said lot No. 76 from the south-easterly angle thereof;

Thence northerly, parallel to the easterly limits of lots Nos. 76 to 96 inclusive according to the said plan No. 873 to the northerly limit of the one foot (1') Reserve adjoining the northerly limit of the said lot No. 96;

Thence northerly, parallel to the easterly limits of lots Nos. 22 to 12 inclusive according to Registered Plan No. 950 (York) to the southerly limit of Humberview Road (formerly Cataract Street);

Thence northerly, in a straight line across Humberview Road to the south-westerly angle of lot No. 16 according to Registered Plan No. 1352 (York);

Thence northerly, along the westerly limits of lots Nos. 16 to 1 inclusive according to the said plan No. 1352, and across the intervening streets to the north-westerly angle of the said lot No. 1, Plan 1352, being a point in the southerly limit of lot No. 100 according to Registered Plan No. 1548 (York) which said point is at the perpendicular distance of twenty feet (20') measured easterly from the westerly limit of the said lot No. 100;

Thence northerly, along a line drawn parallel to the westerly limits of lots Nos. 100 to 94 inclusive according to the said Plan No. 1548 to a point in the northerly limit of the said lot No. 94, being a point in the southerly limit of lot No. 91, according to the said plan No. 1548 distant five feet (5') measured westerly along the southerly limit of the said lot No. 91 from the south-easterly angle thereof;

Thence northerly, parallel to the easterly limit of the said lot No. 91 to the intersection with the westerly production of the northerly limit of Annette Street.

Authority
to pay
salary of
D. G.
Moffitt.

5. The Toronto Electric Commissioners shall be deemed to have been and are hereby authorized to pay as from the 26th day of May, 1940, the salary of Douglas G. Moffitt, one of their employees, while engaged with the Anglo-French Purchasing Board, its successor the British Purchasing Commission, or any of the latter's subsidiary or associated commissions in the United States of America.

Variation of
assessment
procedure
to facilitate
mechanical
bookkeeping
methods.

Rev. Stat.,
c. 272.

6.—(1) To facilitate the use of mechanical bookkeeping methods in the preparation of the assessment and collectors' rolls it shall not be necessary to comply with the following provisions of subsection 3 of section 23 of *The Assessment Act*,—

(a) Columns 2 and 5, but the name of the owner and tenant shall be entered in separate columns and in the case of a person who is entitled to be a municipal elector by reason of being the husband or wife of the person rated or entitled to be rated for land as provided by *The Municipal Act*, the letters "M.F." shall be entered opposite his or her name.

Rev. Stat.,
c. 266.

- (b) Column 3, but the year of the birth of every person shall be entered in the roll.
- (c) Column 4, but all persons after whose names is inserted the letter "A" shall be deemed to be assessed as aliens, and all other persons shall be deemed to be assessed as British subjects.
- (d) Column 24, but all persons after whose names is inserted the letter "S" shall be deemed to be assessed as separate school supporters and all other persons shall be deemed to be assessed as public school supporters,

nor with the provisions of subsection 5 of the said section 23 by inserting in column 4a the letter "O" or "L" as the case may require opposite the name of the owner or lessee, but where a person is a tenant holding under a lease extending over twenty-one years or more, his name shall be inserted in the owners' column and the letter "L" inserted opposite his name.

Duties of collector may be performed by treasurer.

(2) Any of the powers and duties of a collector under *The Assessment Act* may be performed by the treasurer and it shall not be necessary to comply with the provisions of the said Act requiring a collector to return his roll to the treasurer or the provisions of the said Act relating thereto.

Treasurer may perform duties of clerk.

(3) The treasurer may perform all the duties under *The Assessment Act* of the clerk in respect of the preparation of the collector's roll.

Mode of payment of taxes.

(4) The council, in any by-law passed under the authority of *The Assessment Act* requiring payment of taxes and other rates to be made into the office of the treasurer or collector on or before the day or days named therein, in bulk or instalments, may fix different dates within a period not exceeding thirty days for the payment of instalments in each ward of the city.

Change in ownership of land.

(5) Where a change in ownership of a parcel of land occurs after the date fixed for the return of the assessment roll in the ward in which such parcel is situate, and such change in ownership has been reported by the assessment commissioner, the treasurer may record the name of the new owner on the tax bill for such parcel in place of the name of the person assessed.

Harbour Commission lands.

7.—(1) When land owned by the Toronto Harbour Commissioners is occupied by a tenant or lessee for a portion of a year, such land shall be liable for a proportionate part only of the current year's taxes according to the length of such occupation in that year.

Idem.

(2) If the assessment roll or part thereof has been completed, the assessment commissioner may, notwithstanding that the by-law fixing the rate of taxation for such year has been passed, alter the assessment roll by including therein the name of any person who after the completion of the assessment roll or part thereof became a tenant or lessee of lands owned by the Toronto Harbour Commissioners, and the collector's roll shall be altered accordingly.

Idem.

Rev. Stat.,
c. 272.

(3) Any person so entered on the assessment roll shall have the right to appeal within four days after receiving notice thereof, and on such appeal, all the provisions of *The Assessment Act* relating to appeals to or from the Court of Revision shall apply; and thereafter such person shall be liable for the taxes, including business taxes, in respect of such land at the rate fixed for the current year as though his name and the description of the land and the value thereof and other particulars had been inserted in the assessment roll and collector's roll in the usual manner.

Idem.

(4) When land owned by the Toronto Harbour Commissioners ceases to be occupied by a tenant or lessee and to be liable to taxation, the collector's roll shall be altered to conform to subsection 1.

Idem.

(5) Land owned by the Toronto Harbour Commissioners shall, while occupied exclusively for war purposes by the Crown, be exempt from taxation.

By-law
No. 15542
validated.

8.—(1) By-law Number 15542, passed by the council of the Corporation of the City of Toronto on the 24th day of February, 1941, entitled "A By-law respecting areas and bridges in, over or under highways" set out in the Schedule hereto, is hereby validated and confirmed.

Idem.

(2) The said by-law may be amended from time to time with the approval of the Ontario Municipal Board, and upon such approval being given any such amending by-law shall be deemed to be validated and confirmed.

Commence-
ment of Act.

9. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

10. This Act may be cited as *The City of Toronto Act, 1941*.

SCHEDULE

No. 15542. A BY-LAW

Respecting areas and bridges in, over or under highways.

(Passed February 24th, 1941.)

The Council of the Corporation of the City of Toronto enacts as follows:

1. In this By-law,

"Area" shall mean an area under a highway and shall include an opening in a highway leading to any such area, the space occupied by a gasoline, fuel oil, or other tank now located in or under a highway and the space occupied by a conduit in or under a highway, except a conduit used for the transmission of a public utility.

"Bridge" shall mean a bridge, tunnel or other structure which is constructed wholly or partly over, across or under a highway for the purpose of affording access to or connecting land abutting on one side of the highway from or with or to land abutting on the other side of the highway;

"Commissioner" shall mean the Commissioner of Works and City Engineer of the City of Toronto or the person from time to time performing the duties of such official.

"Highway" shall include any land used as a highway

"Owner" shall include a lessee under a lease having at least ten years to run or a lease that is renewable for at least ten years, and a mortgagee in possession.

2. No person shall make, construct, maintain or use any area or bridge unless and until he shall have first applied for and obtained a permit hereunder so to do.

3. Every owner of land who applies for a permit under this By-law shall pay to the Corporation such fee for the permit as the Council may from time to time by by-law or resolution prescribe.

4. Every owner of land who desires to make, construct, maintain or use an area or bridge shall first file with the Commissioner a plan or drawing of the area or bridge, showing all details of construction, accompanied by an application to the Council for a permit, such application to be on the form provided by the Commissioner, and if the Council grant such application, the Commissioner shall thereupon issue a permit.

5. The Council may at any time revoke any permit granted under Section 4 and may at any time direct the owner of the land adjacent to or in connection with which any area is located or used or to which access is afforded by or which is connected with or to any bridge to restore the highway to its former condition by, in the case of an area, closing up and filling in the area and repairing and resurfacing the highway in a manner satisfactory to the Commissioner or, in the case of a bridge, by removing the bridge if located above the highway or, if located under the highway, by closing up and filling in the bridge and repairing and resurfacing the highway in a manner satisfactory to the Commissioner; and whenever any such permit is so revoked, or whenever any such direction is given, the Commissioner shall notify the said owner in writing accordingly, whereupon the said owner shall at his own expense forthwith restore the highway as aforesaid.

6. The granting or refusing of any permit shall be in the discretion of Council and it shall not be bound to give any reason for refusing or revoking a permit and its action shall not be open to question of review by any Court.

7. Every owner of land adjacent to or in connection with which any area is located or used or of land to which access is afforded by or which is connected with or to any bridge shall:—

(1) pay to the Corporation such annual or other charge therefor and upon such conditions as the Council may from time to time by by-law or resolution prescribe.

(2) forthwith on demand of the Commissioner, make good at his own expense any damage done to any sidewalk, boulevard, pavement or service or equipment located in, over, under or upon the highway by reason of his making, constructing, maintenance or use of the area or bridge.

(3) at his own expense, make, construct, maintain and use the area or bridge in accordance with the plan or drawing thereof filed under Section 4 and to the satisfaction of the Commissioner and in such manner that the highway at all times shall be in a state of repair which is satisfactory to the Commissioner and the said owner shall make, from time to time at his own expense and as may be required by the Commissioner, all repairs to the highway rendered necessary by reason of the making, construction, maintenance or use of the area or bridge.

(4) forthwith give to the Commissioner notice in writing of any change of his address, any alienation of the land adjacent to or in connection with which the area is located or used, or of the land to which access is afforded by or which is connected with or to the bridge, and, if he ceases to require the area or bridge, the date after which he shall no longer require the same.

8. An area or bridge shall not be used for the purpose of habitation nor for any purpose other than that set out in the application for permit and the Corporation shall have the right to construct, place and maintain its services and equipment in, under, over or through the area or bridge and to authorize any public utility commission or corporation to construct, place and maintain its services and equipment in, under, over or through any area or bridge.

9. (1) Whenever any owner of land omits, neglects or refuses to do any matter or thing which he is required to do under any provision of this by-law, the Corporation may do such matter or thing at the expense of such owner and the expense so incurred may be recovered by action or may be added to and, if so added, shall form part of the municipal taxes to be imposed for the current or next ensuing year upon the land of such owner to or opposite or adjacent to which the matter or thing is done, and the Corporation shall have the same rights, powers and remedies against and in respect of the said owner and his said land as though the said expense were taxes levied under the provisions of the Municipal Act.

(2) For the purpose of doing any matter or thing under the authority of subsection 1, the Corporation, through its officers, servants, workmen, agents and contractors shall have the right and they are and each of them is hereby authorized and empowered to enter into or upon any aforesaid land with all necessary materials, tools, plant and equipment; and neither the Corporation nor its officers, employees, agents or contractors shall be liable to the owner of the said land for any injury or damage necessarily done to the said land, or any part thereof, during the course of or by reason of doing the matter or thing.

(3) No person shall prevent or obstruct or attempt to prevent or obstruct any officer, servant, workman, agent or contractor of the Corporation from entering into or upon any said land for the purpose of doing any such matter or thing.

(4) Whenever, in the course of or as a result of proceeding under the authority of Subsection 1 it becomes necessary in the opinion of the Commissioner to remove any article, material or thing that is in or upon or forms part of any area or bridge, such article, material or thing may be disposed of by the Corporation by sale and the proceeds of such sale shall be credited to such owner.

10. The owner of any land adjacent to or in connection with which any area is located or used or of land to which access is afforded by or which is connected with or to any bridge shall, so long as such area or bridge remains in, over or under the highway, be conclusively deemed to be maintaining and using same whether or not such owner has obtained a permit therefor and such owner shall be liable to the Corporation for all loss, claims, demands, costs, charges and expenses which may be paid, sustained or incurred by the Corporation in consequence of the making, constructing, maintenance or use of any such area or bridge and which, but for such making, constructing, maintenance or use of such area or bridge could or would not have been so paid, sustained or incurred; and, in addition to any other remedy provided by law, the Corporation may recover any such loss, claims, demands, costs, charges and expenses from such owner by action of the same may be added, and, if so added, shall form part of the municipal taxes to be imposed for the current or next ensuing year upon such owner's land, and the Corporation shall have the same rights, powers and remedies against and in respect of such owner and his land as though such loss, claims, demands, costs, charges and expenses were taxes levied under the Municipal Act.

11. Any notice or communication required to be given by the Corporation or the Commissioner to any owner may be enclosed in an envelope addressed to him at his last address shown on the records of the Commissioner and deposited post prepaid in His Majesty's Post Office at Toronto.

12. The provisions of this By-law shall apply to all areas and bridges heretofore or hereafter made, constructed, maintained or used and to all owners of land adjacent to or in connection with which any such area is located or used or of land to which access is afforded by or which is connected with or to any bridge and to all such land, and shall so apply notwithstanding the provisions of any existing agreement.

13.—(1) Every person who contravenes any of the provisions of this By-law shall upon conviction thereof forfeit and pay at the discretion of the convicting magistrate a penalty not exceeding (exclusive of costs) the sum of \$50.00 for each offence, and the provisions of Section 520 (2) of the Municipal Act shall apply to the said penalty.

(2) The imposition of a penalty under Subsection 1 shall not operate as a bar to any other remedy or proceeding under this by-law.

14. In addition to any other remedy provided and any penalty imposed under the next preceding section, any contravention of this By-law may be restrained, and any requirement of it may be enforced, by action at the instance of the Corporation.

15. This By-law shall take effect upon, from and after being validated by the Legislature of the Province of Ontario.

FRED J. CONBOY,
Mayor.

J. W. SOMERS,
City Clerk.

COUNCIL CHAMBER,
Toronto, February 24th, 1941.
(L.S.)

BILL

An Act respecting the City of Toronto.

1st Reading

2nd Reading

3rd Reading

MR. STRACHAN

(*Private Bill*)

No. 11

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act respecting the City of Toronto.

MR. STRACHAN

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the City of Toronto.

Preamble.

WHEREAS the Corporation of the City of Toronto has by its petition prayed for special legislation in respect of the several matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:



Retiring
allowances
validated.

1.—(1) The retiring allowances granted or purporting to have been granted prior to the 5th day of March, 1941, by the council of the Corporation of the City of Toronto to any employee or servant of the Corporation who had been in the service of the Corporation for at least twenty years and who while in such service had become incapable through illness or old age of efficiently discharging his duties, are hereby validated and confirmed and declared to be, and always to have been, legal, valid and binding upon the Corporation and the ratepayers thereof.

Retiring
allowances
to be paid
to June 30th,
1942.

(2) The council of the said Corporation may continue to pay until the 30th day of June, 1942, the retiring allowances granted as aforesaid.

Retiring
allowances
to employees
of Electric
Commission.

2.—(1) The retiring allowances granted or purporting to have been granted prior to the 5th day of March, 1941, by the Toronto Electric Commissioners to any employee or servant of the Commissioners who had been in the service of the Commissioners or its predecessors for at least twenty years and who while in such service had become incapable through illness or old age of efficiently discharging his duties, are hereby validated and confirmed and declared to be, and always to have been, legal, valid and binding upon the Commissioners.

Retiring
allowances
to be paid to
June 30th,
1942.

(2) The Toronto Electric Commissioners may continue to pay until the 30th day of June, 1942, the retiring allowances granted as aforesaid.



1936, c. 84,
s. 6, subs. 1,
cl. a,
amended.

3.—(1) Clause *a* of subsection 1 of section 6 of *The City of Toronto Act, 1936*, is amended by inserting after the word "building" in the first line the words "tent, trailer or other covering or structure", so that the said clause shall now read as follows:

"Dwelling."

(a) "Dwelling" shall mean and include any building, tent, trailer or other covering or structure the whole or any portion of which is used or intended for use for the purposes of human habitation with the land and premises appurtenant thereto and all outbuildings, fences or erections thereon or therein.

1936, c. 84,
s. 6,
amended.

(2) The said section 6 as amended by section 6 of *The City of Toronto Act, 1938*, is further amended by adding thereto the following subsection:

Exception
as to
tourists.

(11) This section shall not extend or apply to *bona fide* tourists so as to prevent the parking of their trailers for a reasonable length of time in areas where proper parking facilities are provided.

Portion of
westerly
city limit
defined.

4. Notwithstanding the provisions of a certain Proclamation dated the 30th day of December, 1890, and approved by the Lieutenant-Governor in Council, by which a block of land was added to the Town of West Toronto Junction and which was subsequently annexed to the City of Toronto, which said Proclamation by reason of a certain municipal survey now incorrectly describes the westerly limit of the said City between Bloor Street West and Annette Street, the said westerly limit shall from and after the 1st day of January, 1941, be defined as follows:

Commencing at a point in the northerly limit of Bloor Street where the same is intersected by a line drawn parallel to the easterly limit of the lands included in Registered Plan D-1456 and at the perpendicular distance of one hundred and ten feet (110') measured westerly therefrom;

Thence northerly, along the said parallel line to the southerly limit of Folkes Street;

Thence northerly, in a straight line across Folkes Street to a point in the northerly limit thereof distant twenty feet (20') measured westerly thereon from the south-easterly angle of lot No. 16 according to Registered Plan No. 2011 (York);

Thence northerly, parallel to the easterly limit of the said lot No. 16 to a point in the northerly limit of the said lot No. 16, being also a point in the southerly limit of lot No. 76 according to Registered Plan No. 873 (York) which said point is distant twenty-five feet (25') measured westerly along the said southerly limit of the said lot No. 76 from the south-easterly angle thereof;

Thence northerly, parallel to the easterly limits of lots Nos. 76 to 96 inclusive according to the said plan No. 873 to the northerly limit of the one foot (1') Reserve adjoining the northerly limit of the said lot No. 96;

Thence northerly, parallel to the easterly limits of lots Nos. 22 to 12 inclusive according to Registered Plan No. 950 (York) to the southerly limit of Humberview Road (formerly Cataract Street);

Thence northerly, in a straight line across Humberview Road to the south-westerly angle of lot No. 16 according to Registered Plan No. 1352 (York);

Thence northerly, along the westerly limits of lots Nos. 16 to 1 inclusive according to the said plan No. 1352, and across the intervening streets to the north-westerly angle of the said lot No. 1, Plan 1352, being a point in the southerly limit of lot No. 100 according to Registered Plan No. 1548 (York) which said point is at the perpendicular distance of twenty feet (20') measured easterly from the westerly limit of the said lot No. 100;

Thence northerly, along a line drawn parallel to the westerly limits of lots Nos. 100 to 94 inclusive according to the said Plan No. 1548 to a point in the northerly limit of the said lot No. 94, being a point in the southerly limit of lot No. 91, according to the said plan No. 1548 distant five feet (5') measured westerly along the southerly limit of the said lot No. 91 from the south-easterly angle thereof;

Thence northerly, parallel to the easterly limit of the said lot No. 91 to the intersection with the westerly production of the northerly limit of Annette Street.

Authority
to pay
salary of
D. G.
Moffitt.

5. The Toronto Electric Commissioners shall be deemed to have been and are hereby authorized to pay as from the 26th day of May, 1940, the salary of Douglas G. Moffitt, one of their employees, while engaged with the Anglo-French Purchasing Board, its successor the British Purchasing Commission, or any of the latter's subsidiary or associated commissions in the United States of America.

Commence-
ment of Act.

6. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

7. This Act may be cited as *The City of Toronto Act, 1941*.



BILL

An Act respecting the City of Toronto.

1st Reading

March 11th, 1941

2nd Reading

3rd Reading

MR. STRACHAN

*(Reprinted as amended by the Committee on
Private Bills.)*

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act respecting the City of Toronto.

MR. STRACHAN

No. 11

1941

BILL

An Act respecting the City of Toronto.

Preamble.

WHEREAS the Corporation of the City of Toronto has by its petition prayed for special legislation in respect of the several matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Retiring
allowances
validated.

1.—(1) The retiring allowances granted or purporting to have been granted prior to the 5th day of March, 1941, by the council of the Corporation of the City of Toronto to any employee or servant of the Corporation who had been in the service of the Corporation for at least twenty years and who while in such service had become incapable through illness or old age of efficiently discharging his duties, are hereby validated and confirmed and declared to be, and always to have been, legal, valid and binding upon the Corporation and the ratepayers thereof.

Retiring
allowances
to be paid
to June 30th,
1942.

(2) The council of the said Corporation may continue to pay until the 30th day of June, 1942, the retiring allowances granted as aforesaid.

Retiring
allowances
to employees
of Electric
Commission.

2.—(1) The retiring allowances granted or purporting to have been granted prior to the 5th day of March, 1941, by the Toronto Electric Commissioners to any employee or servant of the Commissioners who had been in the service of the Commissioners or its predecessors for at least twenty years and who while in such service had become incapable through illness or old age of efficiently discharging his duties, are hereby validated and confirmed and declared to be, and always to have been, legal, valid and binding upon the Commissioners.

Retiring
allowances
to be paid to
June 30th,
1942.

(2) The Toronto Electric Commissioners may continue to pay until the 30th day of June, 1942, the retiring allowances granted as aforesaid.

3.—(1) Clause *a* of subsection 1 of section 6 of *The City of Toronto Act, 1936*, is amended by inserting after the word “building” in the first line the words “tent, trailer or other covering or structure”, so that the said clause shall now read as follows:

- (a) “Dwelling” shall mean and include any building, tent, trailer or other covering or structure the whole or any portion of which is used or intended for use for the purposes of human habitation with the land and premises appurtenant thereto and all outbuildings, fences or erections thereon or therein.

(2) The said section 6 as amended by section 6 of *The City of Toronto Act, 1938*, is further amended by adding thereto the following subsection:

- (11) This section shall not extend or apply to *bona fide* tourists so as to prevent the parking of their trailers for a reasonable length of time in areas where proper parking facilities are provided.

4. Notwithstanding the provisions of a certain Proclamation dated the 30th day of December, 1890, and approved by the Lieutenant-Governor in Council, by which a block of land was added to the Town of West Toronto Junction and which was subsequently annexed to the City of Toronto, which said Proclamation by reason of a certain municipal survey now incorrectly describes the westerly limit of the said City between Bloor Street West and Annette Street, the said westerly limit shall from and after the 1st day of January, 1941, be defined as follows:

Commencing at a point in the northerly limit of Bloor Street where the same is intersected by a line drawn parallel to the easterly limit of the lands included in Registered Plan D-1456 and at the perpendicular distance of one hundred and ten feet (110') measured westerly therefrom;

Thence northerly, along the said parallel line to the southerly limit of Folkes Street;

Thence northerly, in a straight line across Folkes Street to a point in the northerly limit thereof distant twenty feet (20') measured westerly thereon from the south-easterly angle of lot No. 16 according to Registered Plan No. 2011 (York);

Thence northerly, parallel to the easterly limit of the said lot No. 16 to a point in the northerly limit of the said lot No. 16, being also a point in the southerly limit of lot No. 76 according to Registered Plan No. 873 (York) which said point is distant twenty-five feet (25') measured westerly along the said southerly limit of the said lot No. 76 from the south-easterly angle thereof;

Thence northerly, parallel to the easterly limits of lots Nos. 76 to 96 inclusive according to the said plan No. 873 to the northerly limit of the one foot (1') Reserve adjoining the northerly limit of the said lot No. 96;

Thence northerly, parallel to the easterly limits of lots Nos. 22 to 12 inclusive according to Registered Plan No. 950 (York) to the southerly limit of Humberview Road (formerly Cataract Street);

Thence northerly, in a straight line across Humberview Road to the south-westerly angle of lot No. 16 according to Registered Plan No. 1352 (York);

Thence northerly, along the westerly limits of lots Nos. 16 to 1 inclusive according to the said plan No. 1352, and across the intervening streets to the north-westerly angle of the said lot No. 1, Plan 1352, being a point in the southerly limit of lot No. 100 according to Registered Plan No. 1548 (York) which said point is at the perpendicular distance of twenty feet (20') measured easterly from the westerly limit of the said lot No. 100;

Thence northerly, along a line drawn parallel to the westerly limits of lots Nos. 100 to 94 inclusive according to the said Plan No. 1548 to a point in the northerly limit of the said lot No. 94, being a point in the southerly limit of lot No. 91, according to the said plan No. 1548 distant five feet (5') measured westerly along the southerly limit of the said lot No. 91 from the south-easterly angle thereof;

Thence northerly, parallel to the easterly limit of the said lot No. 91 to the intersection with the westerly production of the northerly limit of Annette Street.

Authority
to pay
salary of
D. G.
Moffitt.

5. The Toronto Electric Commissioners shall be deemed to have been and are hereby authorized to pay as from the 26th day of May, 1940, the salary of Douglas G. Moffitt, one of their employees, while engaged with the Anglo-French Purchasing Board, its successor the British Purchasing Commission, or any of the latter's subsidiary or associated commissions in the United States of America.

6. This Act shall come into force on the day upon which it receives the Royal Assent. Commence-
ment of Act.

7. This Act may be cited as *The City of Toronto Act, 1941*. Short title.



BILL

An Act respecting the City of Toronto.

1st Reading

March 11th, 1941

2nd Reading

March 21st, 1941

3rd Reading

April 1st, 1941

MR. STRACHAN

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act respecting the County of Carleton and the University
of Ottawa.

MR. BÉGIN

(PRIVATE BILL)

No. 12

1941

BILL

An Act respecting the County of Carleton and the University of Ottawa.

Preamble.

WHEREAS the Corporation of the County of Carleton has by its petition prayed for special legislation amending *The University of Ottawa Act, 1933*, in respect of the exemption from taxation of the real property of the University; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1933,
c. 106, s. 12,
amended.

1. Section 12 of *The University of Ottawa Act, 1933*, is amended by adding thereto the following subsection:

Idem.

(2) The exemption from taxation provided by subsection 1 shall not apply to more than one parcel of fifty acres of real property vested in the University situate within the limits of the County of Carleton, other than the City of Ottawa, nor shall such exemption apply to any such real property if such real property is used for farming or agricultural purposes and all or any part of the produce therefrom is sold or offered for sale, nor shall such exemption apply to any such real property if such real property is used otherwise than for the objects of the University.

Commence-
ment of
Act,—
retroactive
to April 18,
1933.

2. This Act shall come into force on the day upon which it receives the Royal Assent and shall have effect from and after the 18th day of April, 1933.

Short title.

3. This Act may be cited as *The University of Ottawa Amendment Act, 1941*.

BILL

An Act respecting the County of Carleton
and the University of Ottawa.

1st Reading

2nd Reading

3rd Reading

MR. BÉGIN

(Private Bill)

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act respecting the County of Carleton and the University
of Ottawa.

MR. BÉGIN

(PRIVATE BILL)

(Reprinted as amended in Committee of the Whole House.)

BILL

An Act respecting the County of Carleton and the University of Ottawa.

Preamble.

WHEREAS the Corporation of the County of Carleton has by its petition prayed for special legislation amending *The University of Ottawa Act, 1933*, in respect of the exemption from taxation of the real property of the University; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:



1933,
c. 106, s. 12,
amended.

1. Section 12 of *The University of Ottawa Act, 1933*, is amended by adding thereto the following subsections:

Idem.

(2) The exemption from taxation provided by subsection 1 shall not apply to any real property vested in the University, or otherwise held for the University, situate within the limits of the County of Carleton, other than the City of Ottawa.


Idem.

Rev. Stat.,
c. 272.

(3) Notwithstanding anything to the contrary in *The Assessment Act*, all real property vested in the University, or otherwise held for the University, situate within the County of Carleton, other than the City of Ottawa, shall be liable to taxation, except the following which shall not be liable to taxation for municipal or school purposes and shall be exempt from every description of such taxation,—

(a) the buildings and grounds, not exceeding in the whole one parcel of fifty acres; provided such buildings and grounds are solely and *bona fide* used and occupied by the University for farming or agricultural pursuits, or in connection with instruction in agriculture; and provided further the same are not worked on shares with any other person, or

the annual or other crops or livestock or produce therefrom, or any part thereof, are not sold, or distributed; but *bona fide* distribution to charity or the sale or exchange of livestock for the purpose of controlling the quality thereof or the sale of surplus certified seed shall not be deemed sale or distribution within the meaning of this clause;

- (b) the buildings and grounds, except buildings and grounds used for farming or agricultural pursuits or in connection with instruction in agriculture; provided such buildings and grounds are solely and *bona fide* used in connection with and for the purposes of the University, but such buildings and grounds shall be exempt only while actually used and occupied by the University and not if otherwise occupied; and provided further that such exemption shall be limited to parcels not exceeding three acres each. 

Commence-
ment of
Act,—
retroactive
to January 1,
1940.

2. This Act shall come into force on the day upon which it receives the Royal Assent and shall have effect from and after the 1st day of January, 1940.

Short title.

3. This Act may be cited as *The University of Ottawa Amendment Act, 1941.*

BILL

An Act respecting the County of Carleton
and the University of Ottawa.

1st Reading

February 25th, 1941

2nd Reading

March 28th, 1941

3rd Reading

MR. BÉGIN

(Private Bill)

*(Reprinted as amended in Committee of
the Whole House.)*

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act respecting the County of Carleton and the University
of Ottawa.

MR. BÉGIN

No. 12

1941

BILL

An Act respecting the County of Carleton and the University of Ottawa.

Preamble.

WHEREAS the Corporation of the County of Carleton has by its petition prayed for special legislation amending *The University of Ottawa Act, 1933*, in respect of the exemption from taxation of the real property of the University; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1933,
c. 106, s. 12,
amended.

1. Section 12 of *The University of Ottawa Act, 1933*, is amended by adding thereto the following subsections:

Idem.

(2) The exemption from taxation provided by subsection 1 shall not apply to any real property vested in the University, or otherwise held for the University, situate within the limits of the County of Carleton, other than the City of Ottawa.

Idem.

Rev. Stat.,
c. 272.

(3) Notwithstanding anything to the contrary in *The Assessment Act*, all real property vested in the University, or otherwise held for the University, situate within the County of Carleton, other than the City of Ottawa, shall be liable to taxation, except the following which shall not be liable to taxation for municipal or school purposes and shall be exempt from every description of such taxation,—

(a) the buildings and grounds, not exceeding in the whole one parcel of fifty acres; provided such buildings and grounds are solely and *bona fide* used and occupied by the University for farming or agricultural pursuits, or in connection with instruction in agriculture; and provided further the same are not worked on shares with any other person, or

the annual or other crops or livestock or produce therefrom, or any part thereof, are not sold, or distributed; but *bona fide* distribution to charity or the sale or exchange of livestock for the purpose of controlling the quality thereof or the sale of surplus certified seed shall not be deemed sale or distribution within the meaning of this clause;

- (b) the buildings and grounds, except buildings and grounds used for farming or agricultural pursuits or in connection with instruction in agriculture; provided such buildings and grounds are solely and *bona fide* used in connection with and for the purposes of the University, but such buildings and grounds shall be exempt only while actually used and occupied by the University and not if otherwise occupied; and provided further that such exemption shall be limited to parcels not exceeding three acres each.

2. This Act shall come into force on the day upon which it receives the Royal Assent and shall have effect from and after the 1st day of January, 1940.

Commence-
ment of
Act,—
retroactive
to January 1,
1940.

3. This Act may be cited as *The University of Ottawa Amendment Act, 1941*.

Short title.

BILL

An Act respecting the County of Carleton
and the University of Ottawa.

1st Reading

February 25th, 1941

2nd Reading

March 28th, 1941

3rd Reading

April 7th, 1941

MR. BÉGIN

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act respecting Appleby School.

MR. BLAKELOCK

(PRIVATE BILL)

No. 13

1941

BILL

An Act respecting Appleby School.

Preamble.

WHEREAS Appleby School has by its petition represented that it was incorporated by an Act passed in the first year of the reign of His late Majesty King George the Fifth, chaptered 140; that it desires to change its name to "Appleby College" and amend the provisions of the said Act respecting the Board of Governors; and whereas Appleby School has by its petition prayed that an Act may be passed for the purposes aforesaid; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows

"College"
substituted
for "School".
1911,
c. 140.

1. The Act entitled *An Act to Incorporate Appleby School* passed in the first year of the reign of His late Majesty King George the Fifth, chaptered 140, is amended by striking out the word "School" wherever the same appears in the said Act and substituting therefor the word "College".

1911, c. 140,
ss. 3, 4, 5
and 6 re-
enacted.

2. Sections 3, 4, 5 and 6 of the said Act entitled *An Act to Incorporate Appleby School* are repealed and the following substituted therefor:

Idem.

3. The Board may from time to time by by-law, passed by the votes of not less than two-thirds of the members of the Board present at a special meeting called for the purpose, make provision not contrary to this Act for,—

(a) the nomination, appointment or election of members of the Board;

(b) the period of office of members of the Board;

(c) the filling of vacancies in the Board;

- (d) increasing or decreasing the number of members of the Board, provided that the number thereof shall not be less than nine; and
- (e) all other matters relating to the constitution of the Board.

Short title. **3.** This Act may be cited as *The Appleby College Act, 1941*.

BILL

An Act respecting Appleby School.

1st Reading

2nd Reading

3rd Reading

MR. BLAKELOCK

(Private Bill)

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act respecting Appleby School.

MR. BLAKELOCK

BILL

An Act respecting Appleby School.

Preamble.

WHEREAS Appleby School has by its petition represented that it was incorporated by an Act passed in the first year of the reign of His late Majesty King George the Fifth, chaptered 140; that it desires to change its name to "Appleby College" and amend the provisions of the said Act respecting the Board of Governors; and whereas Appleby School has by its petition prayed that an Act may be passed for the purposes aforesaid; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows

"College"
substituted
for "School".

1911,
c. 140.

1. The Act entitled *An Act to Incorporate Appleby School* passed in the first year of the reign of His late Majesty King George the Fifth, chaptered 140, is amended by striking out the word "School" wherever the same appears in the said Act and substituting therefor the word "College".

1911, c. 140,
ss. 3, 4, 5
and 6 re-
enacted.

2. Sections 3, 4, 5 and 6 of the said Act entitled *An Act to Incorporate Appleby School* are repealed and the following substituted therefor:

Idem.

3. The Board may from time to time by by-law, passed by the votes of not less than two-thirds of the members of the Board present at a special meeting called for the purpose, make provision not contrary to this Act for,—

- (a) the nomination, appointment or election of members of the Board;
- (b) the period of office of members of the Board;
- (c) the filling of vacancies in the Board;

- (d) increasing or decreasing the number of members of the Board, provided that the number thereof shall not be less than nine; and
- (e) all other matters relating to the constitution of the Board.

3. This Act may be cited as *The Appleby College Act, 1941*. Short title.

BILL

An Act respecting Appleby School.

1st Reading

February 25th, 1941

2nd Reading

March 10th, 1941

3rd Reading

March 13th, 1941

MR. BLAKELOCK

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act respecting Certain Lodges of the Grand Lodge of Ontario,
Independent Order of Odd Fellows.

MR. NEWLANDS

(PRIVATE BILL)

BILL

An Act respecting Certain Lodges of the Grand Lodge of Ontario, Independent Order of Odd Fellows.

Preamble.

WHEREAS Victoria Lodge No. 64, Crescent Lodge No. 104, Oak Leaf Lodge No. 159, Minerva Lodge No. 197 and Burlington Encampment No. 7, subordinate lodges of the Grand Lodge of Ontario, Independent Order of Odd Fellows, incorporated by declaration filed February 5th, 1875, with the clerk of the peace for the County of York, and licensed as a mutual benefit society under the provisions of *The Insurance Act*, have by their petition represented that a portion of the funds of each of the petitioners and of the funds of Excelsior Lodge No. 44 and Unity Lodge No. 47 was invested in 1911 in the shares of I.O.O.F. Temple Limited, a company incorporated under *The Ontario Companies Act* by letters patent dated the 18th day of June, 1909; that the principal purpose of the said investments was to enable the petitioners and Excelsior Lodge No. 44 and Unity Lodge No. 47 to control through the ownership of shares of I.O.O.F. Temple Limited a lodge building larger than required for the transaction of their business; that the said investments were not then and are not now lawful investments for the funds of a friendly society or lodge thereof; that the petitioners, being the majority of the said lodges owning shares of I.O.O.F. Temple Limited, as aforesaid, desire to continue to hold the said shares; and whereas the petitioners have prayed for special legislation to effect such purpose; and whereas it is expedient to grant the prayer of the said petition;

Rev. Stat.,
c. 256.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Investment
of lodge
funds in
I.O.O.F.
Temple.
Ltd.
validated.

1.—(1) Excelsior Lodge No. 44, Unity Lodge No. 47, Victoria Lodge No. 64, Crescent Lodge No. 104, Oak Leaf Lodge No. 159, Minerva Lodge No. 197 and Burlington Encampment No. 7 of the Grand Lodge of Ontario, Independent Order of Odd Fellows, may continue the investment

of lodge funds in the fully paid shares of I.O.O.F. Temple Limited, and notwithstanding the provisions of any other Act, the said investments shall be deemed to have been validly made.

Power to
sell shares
of I.O.O.F.
Temple, Ltd.

(2) The said lodges may sell, assign or dispose of the said shares of I.O.O.F. Temple Limited, or any thereof, from time to time and may execute all necessary transfers to effect such purpose.

Short title.

This Act may be cited as *The I.O.O.F. Act, 1941*.

BILL

An Act respecting Certain Lodges of the
Grand Lodge of Ontario, Independent
Order of Odd Fellows.

1st Reading

2nd Reading

3rd Reading

MR. NEWLANDS

(*Private Bill*)

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act respecting Certain Lodges of the Grand Lodge of Ontario,
Independent Order of Odd Fellows.

MR. NEWLANDS

BILL

An Act respecting Certain Lodges of the Grand Lodge of Ontario, Independent Order of Odd Fellows.

Preamble.

Rev. Stat.,
c. 256.

WHEREAS Victoria Lodge No. 64, Crescent Lodge No. 104, Oak Leaf Lodge No. 159, Minerva Lodge No. 197 and Burlington Encampment No. 7, subordinate lodges of the Grand Lodge of Ontario, Independent Order of Odd Fellows, incorporated by declaration filed February 5th, 1875, with the clerk of the peace for the County of York, and licensed as a mutual benefit society under the provisions of *The Insurance Act*, have by their petition represented that a portion of the funds of each of the petitioners and of the funds of Excelsior Lodge No. 44 and Unity Lodge No. 47 was invested in 1911 in the shares of I.O.O.F. Temple Limited, a company incorporated under *The Ontario Companies Act* by letters patent dated the 18th day of June, 1909; that the principal purpose of the said investments was to enable the petitioners and Excelsior Lodge No. 44 and Unity Lodge No. 47 to control through the ownership of shares of I.O.O.F. Temple Limited a lodge building larger than required for the transaction of their business; that the said investments were not then and are not now lawful investments for the funds of a friendly society or lodge thereof; that the petitioners, being the majority of the said lodges owning shares of I.O.O.F. Temple Limited, as aforesaid, desire to continue to hold the said shares; and whereas the petitioners have prayed for special legislation to effect such purpose; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Investment
of lodge
funds in
I.O.O.F.
Temple,
Ltd.
validated.

1.—(1) Excelsior Lodge No. 44, Unity Lodge No. 47, Victoria Lodge No. 64, Crescent Lodge No. 104, Oak Leaf Lodge No. 159, Minerva Lodge No. 197 and Burlington Encampment No. 7 of the Grand Lodge of Ontario, Independent Order of Odd Fellows, may continue the investment

of lodge funds in the fully paid shares of I.O.O.F. Temple Limited, and notwithstanding the provisions of any other Act, the said investments shall be deemed to have been validly made.

(2) The said lodges may sell, assign or dispose of the said shares of I.O.O.F. Temple Limited, or any thereof, from time to time and may execute all necessary transfers to effect such purpose. ^{Power to sell shares of I.O.O.F. Temple, Ltd.}

2. This Act may be cited as *The I.O.O.F. Act, 1941*.

Short title.

BILL

An Act respecting Certain Lodges of the
Grand Lodge of Ontario, Independent
Order of Odd Fellows.

1st Reading

February 25th, 1941

2nd Reading

March 28th, 1941

3rd Reading

April 1st, 1941

MR. NEWLANDS

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to incorporate the Daughters of the Empire Hospital for
Convalescent Children.

MR. STRACHAN

(PRIVATE BILL)

BILL

An Act to incorporate the Daughters of the Empire Hospital for Convalescent Children.

Preamble.

Rev. Stat.,
c. 390.

WHEREAS the Trustees and Board of Management of the Daughters of the Empire Preventorium have by their petition represented that the Preventorium was founded by a grant to Trustees of land and premises in Toronto by the late Colonel Sir Albert Edward Gooderham, K.C.M.G.; that the Preventorium was established to carry on child welfare work and primarily the prevention of tuberculosis in children; that the work of the Preventorium has been administered by a committee of members of the Imperial Order Daughters of the Empire, under the name, Board of Management of the Daughters of the Empire Preventorium; that the Preventorium has been operated by the Board of Management and the Trustees for more than twenty-six years chiefly by voluntary subscriptions of chapters and members of the Imperial Order Daughters of the Empire, provincial and municipal grants, donations, legacies and bequests; that the Preventorium has been approved as a convalescent hospital by the Lieutenant-Governor in Council under *The Public Hospitals Act*; that it is desirable to unite the Trustees and the Board of Management in a corporation and that the lands and buildings, endowment funds and all other assets be vested in such corporation; and whereas the Trustees and the Board of Management have by their petition prayed for special legislation to effect such purpose; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Incorporation of the Daughters of the Empire Hospital for Convalescent Children.

1. Lieutenant-Colonel Albert Edward Gooderham, the Honourable John Andrew Hope, D.S.O., M.C., V.D., and Wallace Rankine Nesbitt, the present Trustees, and the present members of the Board of Management of the Daughters of the Empire Preventorium and such other persons as may from time to time be appointed to succeed them are hereby constituted a body politic and corporate under the name "Daughters of the Empire Hospital for Convalescent Chil-

dren'', hereinafter called the Corporation, and by that name shall have perpetual succession and a common seal, and may under that name sue or be sued and shall have all the other powers and privileges hereinafter mentioned, including the right to acquire, hold and in any way dispose of any and every kind of real and personal estate, and also all the other powers, privileges and immunities vested by law in corporations necessary and proper for the carrying out of the objects of the Corporation.

Objects.

2. The objects of the Corporation shall be to conduct, maintain and carry on the work of a hospital for convalescent children with rest houses, nurses' houses and other activities of all kinds ancillary or incidental to the care and nursing of sick or injured children and to do all such other things as are incidental or conducive to the attainment of such objects.

Undertaking
and property
vested in
Corporation.

3. All the property, real or personal, now held by the said Trustees or by any of them or by any other person or persons, for the use or benefit of the Daughters of the Empire Preventorium and all right, title and interest by reservation or otherwise of the original grantor, Colonel Sir Albert Edward Gooderham, K.C.M.G., his heirs and executors in and to the real property conveyed by him to the said Trustees and the undertaking, properties, assets, rights, privileges, credits and effects of the Preventorium, including all gifts and legacies to and endowments of the Preventorium, whether heretofore or hereafter given or made, are hereby vested in the Corporation and all such gifts, legacies, and endowments shall enure to the benefit of the Corporation and wherever in any deed of gift or will or other instrument of gift or endowment heretofore or hereafter made, the Preventorium is referred to or intended to be referred to, such reference shall hereafter be deemed to be a reference to the Corporation.

Liability
of Corporation.

4. From and after the day upon which this Act comes into force all rights of creditors against the property, rights and assets of the Preventorium and all liens upon its property, rights and assets shall remain unimpaired and all debts, contracts, liabilities and duties of the Preventorium shall thenceforth attach to the Corporation and may be enforced against it to the same extent as if such debts, contracts, liabilities and duties had been incurred or contracted by it, and all proceedings may be commenced by or continued against the Corporation which, but for this Act, might have been commenced by or continued against the Preventorium.

Registration
of documents.

Rev. Stat.,
c. 174, 170,
181.

5. For the purposes of *The Land Titles Act*, *The Registry Act*, *The Bills of Sale and Chattel Mortgage Act*, or any other Act affecting the title to property, it shall be sufficient in order to show the transmission or transfer of title from the

Trustees or the Board of Management of the Preventorium to the Corporation and the vesting therein of any lands or any interest in lands, or personal property or any interest in personal property, to cite this Act.

Board of
Trustees.

6.—(1) The sole control and management of the real property, endowment funds and capital assets of the Corporation including investment and reinvestment of such funds and including the purchase or acquiring in any way and the sale or disposal in any way of any present or future capital assets are hereby vested in the Board of Trustees hereinafter mentioned to be used for the maintenance and benefit of the Hospital and no material change shall be made in the objects of the Hospital without the approval of the Board of Trustees.

Idem.

(2) The Board of Trustees shall consist of the existing Trustees named in section 1.

Vacancies.

(3) Where a Trustee resigns, dies or ceases to reside within a radius of fifty miles of the City of Toronto or refuses or becomes incapable or unfit to act as a member of the Board of Trustees, the surviving, remaining or continuing member or members of the Board of Trustees or the executors or administrator of the last surviving, remaining or continuing member of the Board of Trustees, so often as the same shall happen, shall appoint another person to be a member of the Board of Trustees in place of the one so dying, ceasing to reside within a radius of fifty miles of the City of Toronto, resigning or refusing or becoming unfit or incapable of acting as a member of the Board of Trustees as aforesaid and if the remaining, continuing or surviving members of the Board of Trustees are unable to agree upon the appointment of a new member of the Board of Trustees, the appointment shall be made by the Chief Justice of Ontario.

Board of
manage-
ment.

7.—(1) The general administration of the revenues, business and affairs of the Hospital shall be under the government, management, conduct and control of a Board of Management numbering not less than thirty and not more than forty members of any of the chapters of the Imperial Order Daughters of the Empire under the jurisdiction of the Toronto Municipal Chapter thereof, which shall be known as the "Board of Management of the Daughters of the Empire Hospital for Convalescent Children", hereinafter called the Board of Management.

Idem.

(2) The present members of the Board of Management of the Daughters of the Empire Preventorium shall constitute the Board of Management of the Corporation.

Vacancies.

(3) Where a vacancy occurs on the Board of Management at any time or from time to time, the surviving, remaining or continuing members of the Board of Management shall by resolution appoint from the members of any of the chapters of the Imperial Order Daughters of the Empire under the jurisdiction of the Toronto Municipal Chapter thereof, a person, whose name shall first be submitted to and be approved by the Board of Trustees, to be a member of the Board of Management to fill such vacancy.

Power to
pass by-
laws.

(4) The Board of Management shall in all matters and things pertaining to the management and the general administration of the Hospital have absolute control and may make by-laws, rules and regulations to govern the holding of their meetings and fixing of their quorum, the appointment of committees and their powers and duties, the election of officers and their term of office and their powers and duties and shall supervise in all particulars the operation of the Hospital.

Power to
accept
grants,
devises, etc.,
of real and
personal
property.

8.—(1) The Board of Trustees may in its discretion receive and take in the name of the Corporation from any person or body corporate by grant, gift, devise, or otherwise, any land or interest in land or any moneys or securities for money, or any goods, chattels or effects, for the use, support or purposes of the Hospital and the Corporation may hold the same, together with all lands and interest in lands vested in it by this Act without license in mortmain.

Hospital
land not
to be ex-
propriated.

(2) No real property or interest therein vested in the Corporation shall be liable to be entered upon, used or taken by any municipal or other corporation or by any person possessing the right of taking land compulsorily for any purpose whatsoever; and no power to expropriate real property hereafter conferred upon such Corporation, person or persons shall extend to such real property or interest unless in the Act conferring the power it is made in express terms to apply to such real property.

Borrowing
powers of
the Board
of Trustees.

9.—(1) The Board of Trustees may from time to time upon the request of the Board of Management evidenced by resolution of the Board of Management borrow in the name of the Corporation such sums as in the opinion of the Board of Trustees may be required for the purposes of the Hospital and in the name of the Corporation may charge, hypothecate, mortgage or pledge any or all of the real and personal property and assets of the Corporation to secure any money so borrowed or any other debt or liability of the Corporation and may in the name of the Corporation issue debentures for any money borrowed, in such sums, at such rate of interest, and subject to subsection 2, for such period as the Board of Trustees may deem expedient.

Debentures. (2) No such debentures shall be issued for a longer period than forty years and the interest shall be payable yearly, half-yearly or quarterly.

Idem. (3) Such debentures may be secured by a mortgage to trustees for the debenture holders upon any or all of the real and personal property and assets of the Corporation.

Powers as to investments and deposits. **10.** The Board of Trustees may invest all money that may at any time come into its hands for the use and support of the Hospital in securities in which trustees are authorized to invest under the laws of the Province of Ontario, or may deposit such money in any chartered bank or trust company.

Execution of documents by the Corporation. **11.** All grants, conveyances, assignments, mortgages, statutory and other discharges of mortgage, leases, contracts, distress warrants and other documents requiring to be executed under seal shall be sealed with the corporate seal of the Corporation and shall be signed by the person or persons thereunto authorized by resolution of the Board of Trustees.

Hospital staff. **12.—(1)** The composition and number of the Hospital staff, term of office and duties and privileges of the members thereof shall be determined and regulated by the Board of Management.

Idem. (2) The Board of Management may from time to time appoint members to and at their pleasure remove members from the Hospital staff.

Patients. **13.** The Board of Management shall have sole charge and control of the medical and surgical affairs of the Hospital and the admission of patients into the Hospital, their medical and surgical treatment there, and their discharge.

Powers and immunities of the Board of Trustees. **14.** The Board of Trustees shall, as regards the trusts, powers, authorities and directions vested in them, have absolute and uncontrolled discretion as to the exercise thereof, whether in relation to the manner, the mode of, or the time for the exercise thereof, and in the absence of fraud the members of the Board of Trustees shall be in no wise responsible for any loss, costs, damages or inconvenience that may result from the exercise or non-exercise thereof.

Short title. **15.** This Act may be cited as *The Daughters of the Empire Hospital for Convalescent Children Act, 1941*.

BILL

An Act to incorporate the Daughters of the
Empire Hospital for Convalescent
Children.

1st Reading

2nd Reading

3rd Reading

MR. STRACHAN

(Private Bill)

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to incorporate the Daughters of the Empire Hospital for
Convalescent Children.

MR. STRACHAN

BILL

An Act to incorporate the Daughters of the Empire Hospital for Convalescent Children.

Preamble.

WHEREAS the Trustees and Board of Management of the Daughters of the Empire Preventorium have by their petition represented that the Preventorium was founded by a grant to Trustees of land and premises in Toronto by the late Colonel Sir Albert Edward Gooderham, K.C.M.G.; that the Preventorium was established to carry on child welfare work and primarily the prevention of tuberculosis in children; that the work of the Preventorium has been administered by a committee of members of the Imperial Order Daughters of the Empire, under the name, Board of Management of the Daughters of the Empire Preventorium; that the Preventorium has been operated by the Board of Management and the Trustees for more than twenty-six years chiefly by voluntary subscriptions of chapters and members of the Imperial Order Daughters of the Empire, provincial and municipal grants, donations, legacies and bequests; that the Preventorium has been approved as a convalescent hospital by the Lieutenant-Governor in Council under *The Public Hospitals Act*; that it is desirable to unite the Trustees and the Board of Management in a corporation and that the lands and buildings, endowment funds and all other assets be vested in such corporation; and whereas the Trustees and the Board of Management have by their petition prayed for special legislation to effect such purpose; and whereas it is expedient to grant the prayer of the said petition;

Rev. Stat.,
c. 390.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Incorporation of the Daughters of the Empire Hospital for Convalescent Children.

1. Lieutenant-Colonel Albert Edward Gooderham, the Honourable John Andrew Hope, D.S.O., M.C., V.D., and Wallace Rankine Nesbitt, the present Trustees, and the present members of the Board of Management of the Daughters of the Empire Preventorium and such other persons as may from time to time be appointed to succeed them are hereby constituted a body politic and corporate under the name "Daughters of the Empire Hospital for Convalescent Chil-

dren", hereinafter called the Corporation, and by that name shall have perpetual succession and a common seal, and may under that name sue or be sued and shall have all the other powers and privileges hereinafter mentioned, including the right to acquire, hold and in any way dispose of any and every kind of real and personal estate, and also all the other powers, privileges and immunities vested by law in corporations necessary and proper for the carrying out of the objects of the Corporation.

2. The objects of the Corporation shall be to conduct, Objects. maintain and carry on the work of a hospital for convalescent children with rest houses, nurses' houses and other activities of all kinds ancillary or incidental to the care and nursing of sick or injured children and to do all such other things as are incidental or conducive to the attainment of such objects.

3. All the property, real or personal, now held by the said Trustees or by any of them or by any other person or persons, Undertaking and property vested in Corporation. for the use or benefit of the Daughters of the Empire Preventorium and all right, title and interest by reservation or otherwise of the original grantor, Colonel Sir Albert Edward Gooderham, K.C.M.G., his heirs and executors in and to the real property conveyed by him to the said Trustees and the undertaking, properties, assets, rights, privileges, credits and effects of the Preventorium, including all gifts and legacies to and endowments of the Preventorium, whether heretofore or hereafter given or made, are hereby vested in the Corporation and all such gifts, legacies, and endowments shall enure to the benefit of the Corporation and wherever in any deed of gift or will or other instrument of gift or endowment heretofore or hereafter made, the Preventorium is referred to or intended to be referred to, such reference shall hereafter be deemed to be a reference to the Corporation.

4. From and after the day upon which this Act comes into Liability of Corporation. force all rights of creditors against the property, rights and assets of the Preventorium and all liens upon its property, rights and assets shall remain unimpaired and all debts, contracts, liabilities and duties of the Preventorium shall thenceforth attach to the Corporation and may be enforced against it to the same extent as if such debts, contracts, liabilities and duties had been incurred or contracted by it, and all proceedings may be commenced by or continued against the Corporation which, but for this Act, might have been commenced by or continued against the Preventorium.

5. For the purposes of *The Land Titles Act*, *The Registry Act*, *The Bills of Sale and Chattel Mortgage Act*, or any other Registration of documents. Act affecting the title to property, it shall be sufficient in Rev. Stat., cc. 174, 170, 181. order to show the transmission or transfer of title from the

Trustees or the Board of Management of the Preventorium to the Corporation and the vesting therein of any lands or any interest in lands, or personal property or any interest in personal property, to cite this Act.

Board of
Trustees.

6.—(1) The sole control and management of the real property, endowment funds and capital assets of the Corporation including investment and reinvestment of such funds and including the purchase or acquiring in any way and the sale or disposal in any way of any present or future capital assets are hereby vested in the Board of Trustees hereinafter mentioned to be used for the maintenance and benefit of the Hospital and no material change shall be made in the objects of the Hospital without the approval of the Board of Trustees.

Idem.

(2) The Board of Trustees shall consist of the existing Trustees named in section 1.

Vacancies.

(3) Where a Trustee resigns, dies or ceases to reside within a radius of fifty miles of the City of Toronto or refuses or becomes incapable or unfit to act as a member of the Board of Trustees, the surviving, remaining or continuing member or members of the Board of Trustees or the executors or administrator of the last surviving, remaining or continuing member of the Board of Trustees, so often as the same shall happen, shall appoint another person to be a member of the Board of Trustees in place of the one so dying, ceasing to reside within a radius of fifty miles of the City of Toronto, resigning or refusing or becoming unfit or incapable of acting as a member of the Board of Trustees as aforesaid and if the remaining, continuing or surviving members of the Board of Trustees are unable to agree upon the appointment of a new member of the Board of Trustees, the appointment shall be made by the Chief Justice of Ontario.

Board of
manage-
ment.

7.—(1) The general administration of the revenues, business and affairs of the Hospital shall be under the government, management, conduct and control of a Board of Management numbering not less than thirty and not more than forty members of any of the chapters of the Imperial Order Daughters of the Empire under the jurisdiction of the Toronto Municipal Chapter thereof, which shall be known as the "Board of Management of the Daughters of the Empire Hospital for Convalescent Children", hereinafter called the Board of Management.

Idem.

(2) The present members of the Board of Management of the Daughters of the Empire Preventorium shall constitute the Board of Management of the Corporation.

(3) Where a vacancy occurs on the Board of Management ^{Vacancies.} at any time or from time to time, the surviving, remaining or continuing members of the Board of Management shall by resolution appoint from the members of any of the chapters of the Imperial Order Daughters of the Empire under the jurisdiction of the Toronto Municipal Chapter thereof, a person, whose name shall first be submitted to and be approved by the Board of Trustees, to be a member of the Board of Management to fill such vacancy.

(4) The Board of Management shall in all matters and things pertaining to the management and the general administration of the Hospital have absolute control and may make by-laws, rules and regulations to govern the holding of their meetings and fixing of their quorum, the appointment of committees and their powers and duties, the election of officers and their term of office and their powers and duties and shall supervise in all particulars the operation of the Hospital. ^{Power to pass by-laws.}

8.—(1) The Board of Trustees may in its discretion receive and take in the name of the Corporation from any person or body corporate by grant, gift, devise, or otherwise, any land or interest in land or any moneys or securities for money, or any goods, chattels or effects, for the use, support or purposes of the Hospital and the Corporation may hold the same, together with all lands and interest in lands vested in it by this Act without license in mortmain. ^{Power to accept grants, devise, etc., of real and personal property.}

(2) No real property or interest therein vested in the Corporation shall be liable to be entered upon, used or taken by any municipal or other corporation or by any person possessing the right of taking land compulsorily for any purpose whatsoever; and no power to expropriate real property hereafter conferred upon such Corporation, person or persons shall extend to such real property or interest unless in the Act conferring the power it is made in express terms to apply to such real property. ^{Hospital land not to be expropriated.}

9.—(1) The Board of Trustees may from time to time upon the request of the Board of Management evidenced by resolution of the Board of Management borrow in the name of the Corporation such sums as in the opinion of the Board of Trustees may be required for the purposes of the Hospital and in the name of the Corporation may charge, hypothecate, mortgage or pledge any or all of the real and personal property and assets of the Corporation to secure any money so borrowed or any other debt or liability of the Corporation and may in the name of the Corporation issue debentures for any money borrowed, in such sums, at such rate of interest, and subject to subsection 2, for such period as the Board of Trustees may deem expedient. ^{Borrowing powers of the Board of Trustees.}

Debentures. (2) No such debentures shall be issued for a longer period than forty years and the interest shall be payable yearly, half-yearly or quarterly.

Idem. (3) Such debentures may be secured by a mortgage to trustees for the debenture holders upon any or all of the real and personal property and assets of the Corporation.

Powers as to investments and deposits. **10.** The Board of Trustees may invest all money that may at any time come into its hands for the use and support of the Hospital in securities in which trustees are authorized to invest under the laws of the Province of Ontario, or may deposit such money in any chartered bank or trust company.

Execution of documents by the Corporation. **11.** All grants, conveyances, assignments, mortgages, statutory and other discharges of mortgage, leases, contracts, distress warrants and other documents requiring to be executed under seal shall be sealed with the corporate seal of the Corporation and shall be signed by the person or persons thereunto authorized by resolution of the Board of Trustees.

Hospital staff. **12.—(1)** The composition and number of the Hospital staff, term of office and duties and privileges of the members thereof shall be determined and regulated by the Board of Management.

Idem. (2) The Board of Management may from time to time appoint members to and at their pleasure remove members from the Hospital staff.

Patients. **13.** The Board of Management shall have sole charge and control of the medical and surgical affairs of the Hospital and the admission of patients into the Hospital, their medical and surgical treatment there, and their discharge.

Powers and immunities of the Board of Trustees. **14.** The Board of Trustees shall, as regards the trusts, powers, authorities and directions vested in them, have absolute and uncontrolled discretion as to the exercise thereof, whether in relation to the manner, the mode of, or the time for the exercise thereof, and in the absence of fraud the members of the Board of Trustees shall be in no wise responsible for any loss, costs, damages or inconvenience that may result from the exercise or non-exercise thereof.

Short title. **15.** This Act may be cited as *The Daughters of the Empire Hospital for Convalescent Children Act, 1941*.

BILL

An Act to incorporate the Daughters of the
Empire Hospital for Convalescent
Children.

1st Reading

March 5th, 1941

2nd Reading

March 19th, 1941

3rd Reading

March 25th, 1941

MR. STRACHAN

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act respecting the Board of Trustees of the Roman
Catholic Separate Schools for the City of Toronto.

MR. STRACHAN

(PRIVATE BILL)

No. 16

1941

BILL

An Act respecting the Board of Trustees of the
Roman Catholic Separate Schools for
the City of Toronto.

Preamble.

WHEREAS the Board of Trustees of the Roman Catholic Separate Schools for the City of Toronto has by its petition prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation.

1. In this Act,—

"District."

(a) "District" shall mean the municipalities and parts of municipalities set out in Schedule A hereto, which are for separate school purposes united by this Act and placed under the jurisdiction of the District Board;

"District Board."

(b) "District Board" shall mean Toronto and Suburban Separate School Board;

"Local Board."

(c) "Local Board" shall mean any board of separate school trustees in existence immediately prior to the day upon which this Act comes into force in the municipalities and parts of municipalities set out in Schedule A hereto;

"Minister."

(d) "Minister" shall mean the Minister of Education;

"Wards."

(e) "Wards" shall mean the territorial divisions of the District for electoral purposes, as set out in Schedule B hereto.

Union of
parts of
York County
for separate
school
purposes.

2.—(1) The municipalities and parts of municipalities within the District are for separate school purposes united and save as in section 6 provided the separate school affairs of the District shall be administered by the District Board.

Secretary. (2) The secretary of the Local Board having the greatest number of pupils, shall be the secretary of the District until a secretary is appointed by the District Board.

Wards. (3) The District shall, for the purpose of electing members of the District Board, be divided into Wards.

Toronto and Suburban Separate School Board constituted. **3.—**(1) There shall be a separate school board to be known as "Toronto and Suburban Separate School Board", to consist of twelve members; one of such members shall be elected from each Ward.

Electors. (2) Every person whose name is on the voters' list for any municipality or part thereof situated within a Ward, who is a supporter of separate schools for Roman Catholics or who, being a Roman Catholic, is the wife or husband of a supporter of such separate schools, shall be entitled to vote at the election of the member of the District Board to be elected from such Ward.

First election. (3) The first election of the District Board shall take place at the municipal elections next after this Act comes into force.

Elections. (4) The members of the District Board shall be elected by ballot and the election shall be held in each municipality at the same time and place and by the same officials and in the same manner as the municipal elections of aldermen and councillors and save as herein otherwise expressly provided, the provisions of *The Municipal Act* respecting the time and manner of holding elections, including the resignation of persons nominated, vacancies and declarations of qualification for office and decision in the case of tie votes, shall *mutatis mutandis* apply to such election except that the oath to be taken by a voter shall be as set forth in Schedule C hereto.

Rev. Stat., c. 266.

Term of office. (5) Each member so elected shall hold office for two years and until his successor is elected.

Returning officer. (6) The secretary of the District shall be the returning officer of the District at the first election and thereafter the secretary of the District Board shall be the returning officer of the District and shall, in the event of two or more candidates in any Ward having an equal number of votes, give a vote for one of such candidates so as to decide the election.

Idem. (7) The returning officer of the District, in any municipality wherein in any year for any reason no poll is required to be held for the municipal election, shall, and in any municipality wherein the annual municipal election is not held

on the 1st day of January may, make the necessary arrangements for the holding of the poll for the election of the member of the District Board.

Qualifications for office.

(8) No person shall be eligible for election as a member of the District Board unless he is a resident of the District and qualified to vote as a separate school supporter therein.

Nominations.

(9) Nominations for the election of a member of the District Board for any Ward shall be made by filing in the office of the returning officer of the District on the earliest of the days fixed for nominations for municipal candidates in any of the municipalities within such Ward, a nomination paper in writing signed by at least ten electors of the Ward, containing the name and address of the nominee, the assessable property in respect of which he qualifies and the names and addresses of the nominators as appear on the last revised voters' list, the signatures of such nominators to be witnessed by a qualified elector.

Where poll necessary.

(10) If more than one person is nominated in any Ward, then immediately after the expiry of the time within which a nominee may withdraw, the returning officer of the District shall notify the clerk of each municipality within the Ward for which the nominations have been made, of the names, addresses and occupations of the persons so nominated, and shall at least five days before the day fixed for the holding of the poll furnish the clerk of every such municipality a sufficient number of ballots for the purpose of the election.

Proceedings after close of poll.

(11) At the close of the poll in each municipality, the returning officer thereof shall transmit to the returning officer of the District a sealed return showing the number of ballots cast for each of the candidates for election to the District Board and not later than the hour of four o'clock in the afternoon of the third day following the last of such elections, the returning officer of the District shall make up from the returns so received by him the total number of votes cast for each candidate and publicly declare the result of the election, and he shall thereupon declare in writing over his signature the name of each person so elected, and shall send by prepaid mail a copy of such certificate to each candidate.

Vacancies in District Board.

4. Where the office of a member of the District Board becomes vacant from any cause, the remaining members shall at the first meeting after such vacancy occurs, elect from the separate school supporters resident in the Ward from which the member so vacating his seat was elected, a duly qualified person to fill the vacancy for the remainder of the term for which his predecessor was elected.

Meetings of
District
Board.

5.—(1) The first meeting of the District Board shall be held at a place to be named by the secretary of the District at the hour of eight o'clock in the evening of Tuesday of the week next after the week in which the last of the polls for the election of members of the District Board has been held, and thereafter the meetings of the District Board shall be held as provided by the by-laws of the District Board.

Organiza-
of District
Board.
Rev. Stat.,
c. 362.

(2) The District Board shall be organized as provided by *The Separate Schools Act* with respect to urban separate school boards.

Local Boards
to continue
until
District
Board
organized.

6. Until the District Board is organized the existing trustees of each Local Board shall continue to discharge their duties, but upon the organization of the District Board, every Local Board shall be dissolved and all property real and personal vested in the Local Boards shall be vested in the District Board and all rights, powers and privileges which any Local Board would have enjoyed if it had continued to exist shall be exercised and enjoyed by the District Board.

District
Board
responsible
for liabilities
and obliga-
tions of
Local
Boards.

7. The District Board shall be responsible for and shall discharge all the liabilities and obligations of each of the Local Boards and, subject to sections 9, 10 and 11, any indebtedness of any Local Board shall be provided for by a general rate levied upon all property liable for taxation for separate school purposes in the District.

Equalization
commission.

8.—(1) Upon this Act coming into force the Minister shall appoint three persons, not members of a Local Board, who shall constitute an equalization commission and thereafter at intervals of five years, the District Board shall appoint a similar equalization commission.

Idem.

(2) The duty of the equalization commission shall be to equalize the assessment for separate school purposes of the municipalities or parts thereof within the District, and it shall make its report to the District Board within two months after its appointment.

Idem.

(3) A copy of the report of the equalization commission shall be forwarded to the clerk of every municipality, any part of which is within the District.

Appeal.

(4) Subject to the approval of the Minister, an appeal shall lie from the report of the equalization commission at the instance of 500 or ten per centum in number of the separate school supporters in any municipality, whichever shall be the lesser, assessed in the aggregate for not less than two and one-half per centum of the property assessed for separate school purposes within such municipality.

Idem.

Rev. Stat.,
o. 272.

(5) The provisions of *The Assessment Act* relating to an appeal from the action of the county council upon the equalization of assessment for county purposes shall apply *mutatis mutandis* to any such appeal except that the words "District Board" shall be substituted for the words "County Council" wherever they occur.

Powers of
District
Board.

9. The District Board with the approval of the Minister may,—

- (a) make such adjustments of assets and liabilities of the Local Boards as between its ratepayers as may be agreed upon or as it shall consider the circumstances warrant;
- (b) exempt any part of the District from the operation of this Act for any period of time;
- (c) make provisions for the preservation of the status, or the equitable adjustment as between its ratepayers, of the burden of the obligations of the Local Boards and recognize such provisions in the levying of its annual rate;
- (d) vary the boundaries of the Wards, the number of the Wards and the number of the members of the District Board accordingly;
- (e) make provision for the holding of elections, the preparation of voters' lists and for such other matters as the District Board may deem necessary to provide for the effective administration of the District.

New debts.

10.—(1) If the District Board becomes liable for any indebtedness incurred or created by a Local Board after the passing of this Act, all rates imposed by the District Board for charges for such indebtedness, shall be imposed solely upon the separate school ratepayers resident within the section or municipality previously under the jurisdiction of such Local Board but so long as such rates are imposed, such ratepayers may *pro tanto* be relieved from the payment of rates imposed by the District Board in respect of charges for other indebtedness of the District Board.

Debentures.

(2) All debentures created by any Local Board or by the District Board shall be a charge upon all school-house properties and premises and any other real or personal property vested in the District Board and upon the separate school rates.

Idem.

(3) Any person at the time of the creation of such debenture indebtedness assessed as a separate school supporter shall, while resident within the District, continue to be liable for

the rate to be levied for the repayment of the money so borrowed.

Idem.

(4) The District Board may borrow money to repay any indebtedness of a Local Board and issue debentures to secure such money and the terms of repayment of the same may be arranged in consonance with the terms of repayment of its other obligations.

Unpaid taxes.

(5) Where the whole or any part of any sum of money for rates or taxes imposed by a Local Board has not been received by such Local Board, the unpaid part of such sum shall be due and payable to the District Board and any municipality which may have been collecting the same at the request of the Local Board shall pay to the District Board the balance of such sum not theretofore paid to the Local Board or such part thereof as the District Board may agree to accept.

Rate.

11. The rate to be levied for separate school purposes in each municipality shall be determined by the District Board in accordance with the last report of the equalization commission made prior to the levying of the rate.

Estimates.

12.—(1) The District Board shall annually, on or before the 1st day of March, make up its estimates of the cost of maintaining the separate schools in the District and of the amount necessary to provide for its annual debt charges and subject to the variations provided in sections 9, 10 and 11, the same shall be raised, levied and collected by a rate in each municipality levied upon all rateable property of the supporters of the schools of the District Board liable to taxation for separate school purposes according to the last revised assessment roll of such municipality.

Duty of Municipal Councils in District.

(2) The council of every municipality wholly or partly within the District shall through their collectors or other municipal officers, cause to be levied upon the taxable property liable to pay the same, all sums of money for rates or taxes imposed by the District Board in respect of separate schools and pay such sums to the District Board in monthly instalments or from time to time as the District Board shall require.

District Board to be board of separate school trustees.
Rev. Stat., c. 362.

13. Save as herein otherwise provided, the District Board shall be an urban board of separate school trustees within the meaning of *The Separate Schools Act* and shall enjoy all the rights, powers and privileges of and be subject to all the obligations imposed upon an urban board of separate school trustees by *The Separate Schools Act*.

Legislative
grants.

14. Nothing in this Act shall affect or alter the basis of legislative grants for the support of separate schools and such grants shall continue to be made as if this Act had not been passed.

Commence-
ment of Act.

15. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation, which day shall not be later in any year than the 30th day of June.

Short title.

16. This Act may be cited as *The Toronto and Suburban Separate School Board Act, 1941.*

SCHEDULE A

(Section 1, clause a)

THE DISTRICT

MUNICIPALITY

East York, Township of.....	The whole.
Etobicoke, Township of.....	School Sections 2, 3, 5, 8, 11, 14, 15 and 16.
Forest Hill, Village of.....	The whole.
Leaside, Town of.....	The whole.
Long Branch, Village of.....	The whole.
Mimico, Town of.....	The whole.
New Toronto, Town of.....	The whole.
North York, Township of.....	The Township School area, School Sections 2, 9, 14, 16, 17, 20, 21, 31, 34 and part of School Section 11 lying South of Sheppard Avenue and west of the Don River.
Scarboro, Township of.....	School Sections 9, 10, 12, 13 and 15.
Swansea, Village of.....	The whole.
Toronto, City of.....	The whole.
Weston, Town of.....	The whole.
York, Township of.....	The whole.

SCHEDULE B

(Section 1, clause e)

WARDS OF DISTRICT	THAT PART OF THE DISTRICT COMPRISED IN
1	Ward 1, Toronto.
2	Ward 2, Toronto.
3	Ward 3, Toronto.
4	Ward 4, Toronto.
5	Ward 5, Toronto.
6	Ward 6, Toronto.
7	Ward 7, Toronto.
8	Ward 8, Toronto.
9	Ward 9, Toronto.
10	Etobicoke, Long Branch, Mimico, New Toronto, Swansea and Weston.
11	Forest Hill, York.
12	East York, Leaside, North York, Scarboro.

SCHEDULE C

(*Section 3, subsection 4*)

THE OATH TO BE TAKEN BY A VOTER

You swear that you are the person named (or intended to be named) in the list of voters now shown to you (*showing the list to the voter*);

That you are of the full age of twenty-one years;

That you are a ratepayer (*or*) that you are the wife (*or*) husband of a ratepayer (*as the case may be*);

That you are a Roman Catholic Separate School supporter (*or*) that you are the wife (*or*) husband of a Roman Catholic Separate School supporter (*as the case may be*);

That you have not voted before at this election;

That you have not, directly or indirectly, received any reward or gift and do not expect to receive any for the vote which you tender at this election;

That you have not received anything, nor has anything been promised you, directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team or any other service connected with this election;

That you have not directly or indirectly paid or promised anything to any person either to induce him to vote or refrain from voting at this election;

So help you God.

BILL

An Act respecting the Board of Trustees
of the Roman Catholic Separate Schools
for the City of Toronto.

1st Reading

March 11th, 1941

2nd Reading

3rd Reading

MR. STRACHAN

(*Private Bill*)

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act respecting the Board of Trustees of the Roman
Catholic Separate Schools for the City of Toronto.

MR. STRACHAN

*(Reprinted as amended by the Committee on
Private Bills.)*

BILL

An Act respecting the Board of Trustees of the
Roman Catholic Separate Schools for
the City of Toronto.

Preamble.

WHEREAS the Board of Trustees of the Roman Catholic Separate Schools for the City of Toronto has by its petition prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**Interpreta-
tion.**

1. In this Act,—

"District."

(a) "District" shall mean the municipalities and parts of municipalities set out in Schedule A hereto, which are for separate school purposes united by this Act and placed under the jurisdiction of the District Board;

"District Board."

(b) "District Board" shall mean Toronto and Suburban Separate School Board;

"Local Board."

(c) "Local Board" shall mean any board of separate school trustees in existence immediately prior to the day upon which this Act comes into force in the municipalities and parts of municipalities set out in Schedule A hereto;

"Wards."

(d) "Wards" shall mean the territorial divisions of the District for electoral purposes, as set out in Schedule B hereto.

Union of
parts of
York County
for separate
school
purposes.

2.—(1) The municipalities and parts of municipalities within the District are for separate school purposes united and save as in section 6 provided the separate school affairs of the District shall be administered by the District Board.

Secretary.

(2) The secretary of the Local Board having the greatest number of pupils, shall be the secretary of the District until a secretary is appointed by the District Board.

Wards.

(3) The District shall, for the purpose of electing members of the District Board, be divided into Wards.

Toronto and
Suburban
Separate
School
Board
constituted.

3.—(1) There shall be a separate school board to be known as "Toronto and Suburban Separate School Board", to consist of twelve members; one of such members shall be elected from each Ward.

Electors.

(2) Every person whose name is on the voters' list for any municipality or part thereof situated within a Ward as entitled to vote at municipal elections, who is a supporter of separate schools for Roman Catholics or who, being a Roman Catholic, is the wife or husband of a supporter of such separate schools, shall be entitled to vote at the election of the member of the District Board to be elected from such Ward.

First
election.

(3) The first election of the District Board shall take place at the municipal elections next after this Act comes into force.

Elections.

(4) The members of the District Board shall be elected by ballot and the election shall be held in each municipality at the same time and place and by the same officials and in the same manner as the municipal elections of aldermen and councillors and save as herein otherwise expressly provided, the provisions of *The Municipal Act* respecting the time and manner of holding elections, including the resignation of persons nominated, vacancies and declarations of qualification for office and decision in the case of tie votes, shall *mutatis mutandis* apply to such election except that the oath to be taken by a voter shall be as set forth in Schedule C hereto; provided that the District Board shall reimburse the municipality for any additional cost of an election under this sub-section.

Rev. Stat.,
c. 266.

Term of
office.

(5) Each member so elected shall hold office for two years and until his successor is elected.

Returning
officer.

(6) The secretary of the District shall be the returning officer of the District at the first election and thereafter the secretary of the District Board shall be the returning officer of the District and shall, in the event of two or more candidates in any Ward having an equal number of votes, give a vote for one of such candidates so as to decide the election.

Idem.

(7) The returning officer of the District, in any municipality wherein in any year for any reason no poll is required to be held for the municipal election, shall, and in any municipality wherein the annual municipal election is not held

on the 1st day of January may, make the necessary arrangements for the holding of the poll for the election of the member of the District Board.

Qualifica-
tions for
office.

(8) No person shall be eligible for election as a member of the District Board unless he is a resident of the District and qualified to vote as a separate school supporter therein.

Nomina-
tions.

(9) Nominations for the election of a member of the District Board for any Ward shall be made by filing in the office of the returning officer of the District on the earliest of the days fixed for nominations for municipal candidates in any of the municipalities within such Ward, a nomination paper in writing signed by at least ten electors of the Ward, containing the name and address of the nominee, the assessable property in respect of which he qualifies and the names and addresses of the nominators as appear on the last revised voters' list, the signatures of such nominators to be witnessed by a qualified elector.

Where poll
necessary.

(10) If more than one person is nominated in any Ward, then immediately after the expiry of the time within which a nominee may withdraw, the returning officer of the District shall notify the clerk of each municipality within the Ward for which the nominations have been made, of the names, addresses and occupations of the persons so nominated, and shall at least five days before the day fixed for the holding of the poll furnish the clerk of every such municipality a sufficient number of ballots for the purpose of the election.

Proceedings
after close
of poll.

(11) At the close of the poll in each municipality, the returning officer thereof shall transmit to the returning officer of the District a sealed return showing the number of ballots cast for each of the candidates for election to the District Board and not later than the hour of four o'clock in the afternoon of the third day following the last of such elections, the returning officer of the District shall make up from the returns so received by him the total number of votes cast for each candidate and publicly declare the result of the election, and he shall thereupon declare in writing over his signature the name of each person so elected, and shall send by prepaid mail a copy of such certificate to each candidate.

Vacancies in
District
Board.

4. Where the office of a member of the District Board becomes vacant from any cause, the remaining members shall at the first meeting after such vacancy occurs, elect from the separate school supporters resident in the Ward from which the member so vacating his seat was elected, a duly qualified person to fill the vacancy for the remainder of the term for which his predecessor was elected.

Meetings of
District
Board.

5.—(1) The first meeting of the District Board shall be held at a place to be named by the secretary of the District at the hour of eight o'clock in the evening of Tuesday of the week next after the week in which the last of the polls for the election of members of the District Board has been held, and thereafter the meetings of the District Board shall be held as provided by the by-laws of the District Board.

Organiza-
of District
Board.
Rev. Stat.,
c. 362.

(2) The District Board shall be organized as provided by *The Separate Schools Act* with respect to urban separate school boards.

Local Boards
to continue
until
District
Board
organized.

6. Until the District Board is organized the existing trustees of each Local Board shall continue to discharge their duties, but upon the organization of the District Board, every Local Board shall be dissolved and all property real and personal vested in the Local Boards shall be vested in the District Board and all rights, powers and privileges which any Local Board would have enjoyed if it had continued to exist shall be exercised and enjoyed by the District Board.

District
Board
responsible
for liabilities
and obliga-
tions of
Local
Boards.

7. The District Board shall be responsible for and shall discharge all the liabilities and obligations of each of the Local Boards and, subject to sections 9, 10 and 11, any indebtedness of any Local Board shall be provided for by a general rate levied upon all property liable for taxation for separate school purposes in the District.

Equalization
commission.

8.—(1) Upon this Act coming into force the Board of Trustees of the Roman Catholic Separate Schools for the City of Toronto with the approval of the Ontario Municipal Board shall appoint three persons, not members of a Local Board, who shall constitute an equalization commission and thereafter at intervals of five years, the District Board shall appoint a similar equalization commission.

Idem.

(2) The duty of the equalization commission shall be to equalize the assessment for separate school purposes of the municipalities or parts thereof within the District, and it shall make its report to the District Board within two months after its appointment.

Idem.

(3) A copy of the report of the equalization commission shall be forwarded to the clerk of every municipality, any part of which is within the District.

Appeal.

(4) An Appeal shall lie from the report of the equalization commission to the Ontario Municipal Board at the instance of 500 or ten per centum in number of the separate school supporters in any municipality, whichever shall be the lesser,



assessed in the aggregate for not less than two and one-half per centum of the property assessed for separate school purposes within such municipality, and the decision of such Board thereon shall be final.

Powers of
District
Board.

9. The District Board with the approval of the Ontario Municipal Board may,—

- (a) make such adjustments of assets and liabilities of the Local Boards as between its ratepayers as may be agreed upon or as it shall consider the circumstances warrant;
- (b) exempt any part of the District from the operation of this Act for any period of time;
- (c) make provisions for the preservation of the status, or the equitable adjustment as between its ratepayers, of the burden of the obligations of the Local Boards and recognize such provisions in the levying of its annual rate;
- (d) vary the boundaries of the Wards, the number of the Wards and the number of the members of the District Board accordingly;
- (e) make provision for the holding of elections, the preparation of voters' lists and for such other matters as the District Board may deem necessary to provide for the effective administration of the District.

New debts.

10.—(1) If the District Board becomes liable for any indebtedness incurred or created by a Local Board after the passing of this Act, all rates imposed by the District Board for charges for such indebtedness, shall be imposed solely upon the separate school ratepayers resident within the section or municipality previously under the jurisdiction of such Local Board but so long as such rates are imposed, such ratepayers may *pro tanto* be relieved from the payment of rates imposed by the District Board in respect of charges for other indebtedness of the District Board.

Debentures.

(2) All debentures created by any Local Board or by the District Board shall be a charge upon all school-house properties and premises and any other real or personal property vested in the District Board and upon the separate school rates.

Idem.

(3) Any person at the time of the creation of such debenture indebtedness assessed as a separate school supporter shall, while resident within the District, continue to be liable for

the rate to be levied for the repayment of the money so borrowed.

Idem.

(4) The District Board may borrow money to repay any indebtedness of a Local Board and issue debentures to secure such money and the terms of repayment of the same may be arranged in consonance with the terms of repayment of its other obligations.



Unpaid taxes.

(5) A municipal corporation and the District Board may enter into an agreement fixing and settling the amount and terms of payment of any sum of money which may be payable in respect of rates or taxes imposed by a Local Board.



Rate.

11. The rate to be levied for separate school purposes in each municipality shall be determined by the District Board in accordance with the last report of the equalization commission made prior to the levying of the rate.

Estimates.

12.—(1) The District Board shall annually, on or before the 1st day of March, make up its estimates of the cost of maintaining the separate schools in the District and of the amount necessary to provide for its annual debt charges and subject to the variations provided in sections 9, 10 and 11, the same shall be raised, levied and collected by a rate in each municipality levied upon all rateable property of the supporters of the schools of the District Board liable to taxation for separate school purposes according to the last revised assessment roll of such municipality.

Duty of Municipal Councils in District.

(2) The council of every municipality wholly or partly within the District shall through their collectors or other municipal officers, cause to be levied upon the taxable property liable to pay the same, all sums of money for rates or taxes imposed by the District Board in respect of separate schools and the provisions of subsection 2 of section 70 of *The Separate Schools Act* shall apply save that the money payable to the District Board shall as far as possible be paid in monthly instalments or from time to time as the District Board shall require.

District Board to be board of separate school trustees. Rev. Stat., c. 362.

13. Save as herein otherwise provided, the District Board shall be an urban board of separate school trustees within the meaning of *The Separate Schools Act* and shall enjoy all the rights, powers and privileges of and be subject to all the obligations imposed upon an urban board of separate school trustees by *The Separate Schools Act*.

Legislative
grants.

14. Nothing in this Act shall affect or alter the basis of legislative grants for the support of separate schools and such grants may be made as if this Act had not been passed.

Exemption.

15. The Towns of Mimico and New Toronto, the Village of Long Branch and School Sections 11 and 15 of the Township of Etobicoke shall be exempt from the operation of this Act until a date to be fixed by agreement between the District Board and all boards of trustees of Roman Catholic Separate Schools exercising jurisdiction therein.

Commence-
ment of Act.

16. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation upon the recommendation of the Ontario Municipal Board made on the application of any Local Board, which day shall not be later in any year than the 30th day of June.

Short title.

17. This Act may be cited as *The Toronto and Suburban Separate School Board Act, 1941*.

SCHEDULE A

(Section 1, clause a)

THE DISTRICT

MUNICIPALITY

East York, Township of.....	The whole.
Etobicoke, Township of.....	School Sections 2, 3, 5, 8, 11, 14, 15 and 16.
Forest Hill, Village of.....	The whole.
Leaside, Town of.....	The whole.
Long Branch, Village of.....	The whole.
Mimico, Town of.....	The whole.
New Toronto, Town of.....	The whole.
North York, Township of.....	The Township School area, School Sections 2, 9, 14, 16, 17, 20, 21, 31, 34 and part of School Section 11 lying South of Sheppard Avenue and west of the Don River.
Scarboro, Township of.....	School Sections 9, 10, 12, 13 and 15.
Swansea, Village of.....	The whole.
Toronto, City of.....	The whole.
Weston, Town of.....	The whole.
York, Township of.....	The whole.

SCHEDULE B

(*Section 1, clause e*)

WARDS OF DISTRICT	THAT PART OF THE DISTRICT COMPRISED IN
1	Ward 1, Toronto.
2	Ward 2, Toronto.
3	Ward 3, Toronto.
4	Ward 4, Toronto.
5	Ward 5, Toronto.
6	Ward 6, Toronto.
7	Ward 7, Toronto.
8	Ward 8, Toronto.
9	Ward 9, Toronto.
10	Etobicoke, Long Branch, Mimico, New Toronto, Swansea and Weston.
11	Forest Hill, York.
12	East York, Leaside, North York, Scarboro.

SCHEDULE C

(Section 3, subsection 4)

THE OATH TO BE TAKEN BY A VOTER

You swear that you are the person named (or intended to be named) in the list of voters now shown to you (*showing the list to the voter*);

That you are of the full age of twenty-one years;

That you are a ratepayer (*or*) that you are the wife (*or*) husband of a ratepayer (*as the case may be*);

That you are a Roman Catholic Separate School supporter (*or*) that you are the wife (*or*) husband of a Roman Catholic Separate School supporter (*as the case may be*);

That you have not voted before at this election;

That you have not, directly or indirectly, received any reward or gift and do not expect to receive any for the vote which you tender at this election;

That you have not received anything, nor has anything been promised you, directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team or any other service connected with this election;

That you have not directly or indirectly paid or promised anything to any person either to induce him to vote or refrain from voting at this election;

So help you God.

BILL

An Act respecting the Board of Trustees
of the Roman Catholic Separate Schools
for the City of Toronto.

1st Reading

March 11th, 1941

2nd Reading

3rd Reading

MR. STRACHAN

*(Reprinted as amended by the Committee on
Private Bills.)*

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act respecting the Board of Trustees of the Roman
Catholic Separate Schools for the City of Toronto.

MR. STRACHAN

*(Reprinted as amended by the Committee on Private Bills
and as further amended by the Committee
of the Whole House.)*

BILL

An Act respecting the Board of Trustees of the Roman Catholic Separate Schools for the City of Toronto.

Preamble.

WHEREAS the Board of Trustees of the Roman Catholic Separate Schools for the City of Toronto has by its petition prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation.

1. In this Act,—

"District."

(a) "District" shall mean the municipalities and parts of municipalities set out in Schedule A hereto, which are for separate school purposes united by this Act and placed under the jurisdiction of the District Board;

"District Board."

(b) "District Board" shall mean Toronto and Suburban Separate School Board;

"Local Board."

(c) "Local Board" shall mean any board of separate school trustees in existence immediately prior to the day upon which this Act comes into force in the municipalities and parts of municipalities set out in Schedule A hereto;

"Wards."

(d) "Wards" shall mean the territorial divisions of the District for electoral purposes, as set out in Schedule B hereto.

Union of parts of York County in the District for separate school purposes.

2.—(1) The municipalities and parts of municipalities with- in the District are for separate school purposes united and save as in section 6 provided the separate school affairs of the District shall be administered by the District Board.

Secretary.

(2) The secretary of the Local Board having the greatest number of pupils, shall be the secretary of the District until a secretary is appointed by the District Board.

Wards.

(3) The District shall, for the purpose of electing members of the District Board, be divided into Wards.

Toronto and
Suburban
Separate
School
Board
constituted.

3.—(1) There shall be a separate school board to be known as "Toronto and Suburban Separate School Board", to consist of twelve members; one of such members shall be elected from each Ward.

Electors.

(2) Every person whose name is on the voters' list for any municipality or part thereof situated within a Ward as entitled to vote at municipal elections, who is a supporter of separate schools for Roman Catholics or who, being a Roman Catholic, is the wife or husband of a supporter of such separate schools, shall be entitled to vote at the election of the member of the District Board to be elected from such Ward.

First
election.

(3) The first election of the District Board shall take place at the municipal elections next after this Act comes into force.

Elections.

(4) The members of the District Board shall be elected by ballot and the election shall be held in each municipality at the same time and place and by the same officials and in the same manner as the municipal elections of aldermen and councillors and save as herein otherwise expressly provided, the provisions of *The Municipal Act* respecting the time and manner of holding elections, including the resignation of persons nominated, vacancies and declarations of qualification for office and decision in the case of tie votes, shall *mutatis mutandis* apply to such election except that the oath to be taken by a voter shall be as set forth in Schedule C hereto; provided that the District Board shall reimburse the municipality for any additional cost of an election under this subsection.

Rev. Stat.,
c. 266.

Term of
office.

(5) Each member so elected shall hold office for two years and until his successor is elected.

Returning
officer.

(6) The secretary of the District shall be the returning officer of the District at the first election and thereafter the secretary of the District Board shall be the returning officer of the District and shall, in the event of two or more candidates in any Ward having an equal number of votes, give a vote for one of such candidates so as to decide the election.

Idem.

(7) The returning officer of the District, in any municipality wherein in any year for any reason no poll is required to be held for the municipal election, shall, and in any municipality wherein the annual municipal election is not held

on the 1st day of January may, make the necessary arrangements for the holding of the poll for the election of the member of the District Board.

Qualifications for office.

(8) No person shall be eligible for election as a member of the District Board unless he is a resident of the District and qualified to vote as a separate school supporter therein.

Nominations.

(9) Nominations for the election of a member of the District Board for any Ward shall be made by filing in the office of the returning officer of the District on the earliest of the days fixed for nominations for municipal candidates in any of the municipalities within such Ward, a nomination paper in writing signed by at least ten electors of the Ward, containing the name and address of the nominee, the assessable property in respect of which he qualifies and the names and addresses of the nominators as appear on the last revised voters' list, the signatures of such nominators to be witnessed by a qualified elector.

Where poll necessary.

(10) If more than one person is nominated in any Ward, then immediately after the expiry of the time within which a nominee may withdraw, the returning officer of the District shall notify the clerk of each municipality within the Ward for which the nominations have been made, of the names, addresses and occupations of the persons so nominated, and shall at least five days before the day fixed for the holding of the poll furnish the clerk of every such municipality a sufficient number of ballots for the purpose of the election.

Proceedings after close of poll.

(11) At the close of the poll in each municipality, the returning officer thereof shall transmit to the returning officer of the District a sealed return showing the number of ballots cast for each of the candidates for election to the District Board and not later than the hour of four o'clock in the afternoon of the third day following the last of such elections, the returning officer of the District shall make up from the returns so received by him the total number of votes cast for each candidate and publicly declare the result of the election, and he shall thereupon declare in writing over his signature the name of each person so elected, and shall send by prepaid mail a copy of such certificate to each candidate.

Vacancies in District Board.

4. Where the office of a member of the District Board becomes vacant from any cause, the remaining members shall at the first meeting after such vacancy occurs, elect from the separate school supporters resident in the Ward from which the member so vacating his seat was elected, a duly qualified person to fill the vacancy for the remainder of the term for which his predecessor was elected.

Meetings of
District
Board.

5.—(1) The first meeting of the District Board shall be held at a place to be named by the secretary of the District at the hour of eight o'clock in the evening of Tuesday of the week next after the week in which the last of the polls for the election of members of the District Board has been held, and thereafter the meetings of the District Board shall be held as provided by the by-laws of the District Board.

Organiza-
tion of District
Board.
Rev. Stat.,
c. 362.

(2) The District Board shall be organized as provided by *The Separate Schools Act* with respect to urban separate school boards.

Local Boards
to continue
until
District
Board
organized.

6. Until the District Board is organized the existing trustees of each Local Board shall continue to discharge their duties, but upon the organization of the District Board, every Local Board shall be dissolved and all property real and personal vested in the Local Boards shall be vested in the District Board and all rights, powers and privileges which any Local Board would have enjoyed if it had continued to exist shall be exercised and enjoyed by the District Board.

District
Board
responsible
for liabilities
and obliga-
tions of
Local
Boards.

7. The District Board shall be responsible for and shall discharge all the liabilities and obligations of each of the Local Boards and, subject to sections 9, 10 and 11, any indebtedness of any Local Board shall be provided for by a general rate levied upon all property liable for taxation for separate school purposes in the District.

Equalization
commission.

8.—(1) Upon this Act coming into force the Board of Trustees of the Roman Catholic Separate Schools for the City of Toronto with the approval of the Ontario Municipal Board shall appoint three persons, not members of a Local Board, who shall constitute an equalization commission and thereafter at intervals of five years, the District Board shall appoint a similar equalization commission.

Idem.

(2) The duty of the equalization commission shall be to equalize the assessment for separate school purposes of the municipalities or parts thereof within the District, and it shall make its report to the District Board within two months after its appointment.

Idem.

(3) A copy of the report of the equalization commission shall be forwarded to the clerk of every municipality, any part of which is within the District.

Appeal.

(4) An Appeal shall lie from the report of the equalization commission to the Ontario Municipal Board at the instance of 500 or ten per centum in number of the separate school supporters in any municipality, whichever shall be the lesser,

assessed in the aggregate for not less than two and one-half per centum of the property assessed for separate school purposes within such municipality, and the decision of such Board thereon shall be final.

Powers of
District
Board.

9. The District Board with the approval of the Ontario Municipal Board may,—

- (a) make such adjustments of assets and liabilities of the Local Boards as between its ratepayers as may be agreed upon or as it shall consider the circumstances warrant;
- (b) exempt any part of the District from the operation of this Act for any period of time;
- (c) make provisions for the preservation of the status, or the equitable adjustment as between its ratepayers, of the burden of the obligations of the Local Boards and recognize such provisions in the levying of its annual rate;
- (d) vary the boundaries of the Wards, the number of the Wards and the number of the members of the District Board accordingly;
- (e) make provision for the holding of elections, the preparation of voters' lists and for such other matters as the District Board may deem necessary to provide for the effective administration of the District.

New debts.

10.—(1) If the District Board becomes liable for any indebtedness incurred or created by a Local Board after the passing of this Act, all rates imposed by the District Board for charges for such indebtedness, shall be imposed solely upon the separate school ratepayers resident within the section or municipality previously under the jurisdiction of such Local Board but so long as such rates are imposed, such ratepayers may *pro tanto* be relieved from the payment of rates imposed by the District Board in respect of charges for other indebtedness of the District Board.

Debentures.

(2) All debentures created by any Local Board or by the District Board shall be a charge upon all school-house properties and premises and any other real or personal property vested in the District Board and upon the separate school rates.

Idem.

(3) Any person at the time of the creation of such debenture indebtedness assessed as a separate school supporter shall, while resident within the District, continue to be liable for

the rate to be levied for the repayment of the money so borrowed.

Idem.

(4) The District Board may borrow money to repay any indebtedness of a Local Board and issue debentures to secure such money and the terms of repayment of the same may be arranged in consonance with the terms of repayment of its other obligations.



Unpaid taxes.

(5) A municipal corporation and the District Board may enter into an agreement fixing and settling the amount and terms of payment of any sum of money which may be payable in respect of rates or taxes imposed by a Local Board.



Rate.

11. The rate to be levied for separate school purposes in each municipality shall be determined by the District Board in accordance with the last report of the equalization commission made prior to the levying of the rate.

Estimates.

12.—(1) The District Board shall annually, on or before the 1st day of March, make up its estimates of the cost of maintaining the separate schools in the District and of the amount necessary to provide for its annual debt charges and subject to the variations provided in sections 9, 10 and 11, the same shall be raised, levied and collected by a rate in each municipality levied upon all rateable property of the supporters of the schools of the District Board liable to taxation for separate school purposes according to the last revised assessment roll of such municipality.

Duty of
Municipal
Councils in
District.

(2) The council of every municipality wholly or partly within the District shall through their collectors or other municipal officers, cause to be levied upon the taxable property liable to pay the same, all sums of money for rates or taxes imposed by the District Board in respect of separate schools and the provisions of subsection 2 of section 70 of *The Separate Schools Act* shall apply save that the money payable to the District Board shall as far as possible be paid in monthly instalments or from time to time as the District Board shall require.

District
Board to
be board of
separate
school
trustees.
Rev. Stat.,
c. 362.

13. Save as herein otherwise provided, the District Board shall be an urban board of separate school trustees within the meaning of *The Separate Schools Act* and shall enjoy all the rights, powers and privileges of and be subject to all the obligations imposed upon an urban board of separate school trustees by *The Separate Schools Act*.

Legislative
grants.

14. Nothing in this Act shall affect or alter the basis of legislative grants for the support of separate schools and such grants may be made as if this Act had not been passed.



Exemption.

15. The Towns of Mimico and New Toronto, the Village of Long Branch and School Sections 11 and 15 of the Township of Etobicoke shall be exempt from the operation of this Act until a date to be fixed by agreement between the District Board and all boards of trustees of Roman Catholic Separate Schools exercising jurisdiction therein.

16. Prior to the organization of the District Board the Ontario Municipal Board may exempt from the operation of this Act any part of the District for any period of time.



Commence-
ment of Act.

17. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation upon the recommendation of the Ontario Municipal Board made on the application of any Local Board, which day shall not be later in any year than the 30th day of June.

Short title.

18. This Act may be cited as *The Toronto and Suburban Separate School Board Act, 1941.*

SCHEDULE A

(Section 1, clause a)

THE DISTRICT

MUNICIPALITY

East York, Township of.....	The whole.
Etobicoke, Township of.....	School Sections 2, 3, 5, 8, 11, 14, 15 and 16.
Forest Hill, Village of.....	The whole.
Leaside, Town of.....	The whole.
Long Branch, Village of.....	The whole.
Mimico, Town of.....	The whole.
New Toronto, Town of.....	The whole.
North York, Township of.....	The Township School area, School Sections 2, 9, 14, 16, 17, 20, 21, 31, 34 and part of School Section 11 lying South of Sheppard Avenue and west of the Don River.
Scarboro, Township of.....	School Sections 9, 10, 12, 13 and 15.
Swansea, Village of.....	The whole.
Toronto, City of.....	The whole.
Weston, Town of.....	The whole.
York, Township of.....	The whole.

SCHEDULE B

(Section 1, clause e)

WARDS OF DISTRICT	THAT PART OF THE DISTRICT COMPRISED IN
1	Ward 1, Toronto.
2	Ward 2, Toronto.
3	Ward 3, Toronto.
4	Ward 4, Toronto.
5	Ward 5, Toronto.
6	Ward 6, Toronto.
7	Ward 7, Toronto.
8	Ward 8, Toronto.
9	Ward 9, Toronto.
10	Etobicoke, Long Branch, Mimico, New Toronto, Swansea and Weston.
11	Forest Hill, York.
12	East York, Leaside, North York, Scarboro.

SCHEDULE C

(*Section 3, subsection 4*)

THE OATH TO BE TAKEN BY A VOTER

You swear that you are the person named (or intended to be named) in the list of voters now shown to you (*showing the list to the voter*);

That you are of the full age of twenty-one years;

That you are a ratepayer (*or*) that you are the wife (*or*) husband of a ratepayer (*as the case may be*);

That you are a Roman Catholic Separate School supporter (*or*) that you are the wife (*or*) husband of a Roman Catholic Separate School supporter (*as the case may be*);

That you have not voted before at this election;

That you have not, directly or indirectly, received any reward or gift and do not expect to receive any for the vote which you tender at this election;

That you have not received anything, nor has anything been promised you, directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team or any other service connected with this election;

That you have not directly or indirectly paid or promised anything to any person either to induce him to vote or refrain from voting at this election;

So help you God.

BILL

An Act respecting the Board of Trustees
of the Roman Catholic Separate Schools
for the City of Toronto.

1st Reading

March 11th, 1941

2nd Reading

March 31st, 1941

3rd Reading

MR. STRACHAN

*(Reprinted as amended by the Committee on
Private Bills and as further amended by
the Committee of the Whole House.)*

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act respecting the Board of Trustees of the Roman
Catholic Separate Schools for the City of Toronto.

MR. STRACHAN

No. 16

1941

BILL

An Act respecting the Board of Trustees of the
Roman Catholic Separate Schools for
the City of Toronto.

Preamble.

WHEREAS the Board of Trustees of the Roman Catholic Separate Schools for the City of Toronto has by its petition prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpreta-
tion.

1. In this Act,—

"District."

(a) "District" shall mean the municipalities and parts of municipalities set out in Schedule A hereto, which are for separate school purposes united by this Act and placed under the jurisdiction of the District Board;

"District
Board."

(b) "District Board" shall mean Toronto and Suburban Separate School Board;

"Local
Board."

(c) "Local Board" shall mean any board of separate school trustees in existence immediately prior to the day upon which this Act comes into force in the municipalities and parts of municipalities set out in Schedule A hereto;

"Wards."

(d) "Wards" shall mean the territorial divisions of the District for electoral purposes, as set out in Schedule B hereto.

Union of
parts of
York County
for separate
school
purposes.

2.—(1) The municipalities and parts of municipalities within the District are for separate school purposes united and save as in section 6 provided the separate school affairs of the District shall be administered by the District Board.

Secretary.

(2) The secretary of the Local Board having the greatest number of pupils, shall be the secretary of the District until a secretary is appointed by the District Board.

(3) The District shall, for the purpose of electing members Wards. of the District Board, be divided into Wards.

3.—(1) There shall be a separate school board to be known as "Toronto and Suburban Separate School Board", to consist of twelve members; one of such members shall be elected from each Ward. ^{Toronto and Suburban Separate School Board constituted.}

(2) Every person whose name is on the voters' list for any municipality or part thereof situated within a Ward as entitled to vote at municipal elections, who is a supporter of separate schools for Roman Catholics or who, being a Roman Catholic, is the wife or husband of a supporter of such separate schools, shall be entitled to vote at the election of the member of the District Board to be elected from such Ward. ^{Electors.}

(3) The first election of the District Board shall take place at the municipal elections next after this Act comes into force. ^{First election.}

(4) The members of the District Board shall be elected by ballot and the election shall be held in each municipality at the same time and place and by the same officials and in the same manner as the municipal elections of aldermen and councillors and save as herein otherwise expressly provided, the provisions of *The Municipal Act* respecting the time and manner of holding elections, including the resignation of persons nominated, vacancies and declarations of qualification for office and decision in the case of tie votes, shall *mutatis mutandis* apply to such election except that the oath to be taken by a voter shall be as set forth in Schedule C hereto; provided that the District Board shall reimburse the municipality for any additional cost of an election under this subsection. ^{Elections.}

(5) Each member so elected shall hold office for two years and until his successor is elected. ^{Rev. Stat., c. 266.}

(6) The secretary of the District shall be the returning officer of the District at the first election and thereafter the secretary of the District Board shall be the returning officer of the District and shall, in the event of two or more candidates in any Ward having an equal number of votes, give a vote for one of such candidates so as to decide the election. ^{Term of office.}

(7) The returning officer of the District, in any municipality wherein in any year for any reason no poll is required to be held for the municipal election, shall, and in any municipality wherein the annual municipal election is not held ^{Idem.}

on the 1st day of January may, make the necessary arrangements for the holding of the poll for the election of the member of the District Board.

Qualifications for office.

(8) No person shall be eligible for election as a member of the District Board unless he is a resident of the District and qualified to vote as a separate school supporter therein.

Nominations.

(9) Nominations for the election of a member of the District Board for any Ward shall be made by filing in the office of the returning officer of the District on the earliest of the days fixed for nominations for municipal candidates in any of the municipalities within such Ward, a nomination paper in writing signed by at least ten electors of the Ward, containing the name and address of the nominee, the assessable property in respect of which he qualifies and the names and addresses of the nominators as appear on the last revised voters' list, the signatures of such nominators to be witnessed by a qualified elector.

Where poll necessary.

(10) If more than one person is nominated in any Ward, then immediately after the expiry of the time within which a nominee may withdraw, the returning officer of the District shall notify the clerk of each municipality within the Ward for which the nominations have been made, of the names, addresses and occupations of the persons so nominated, and shall at least five days before the day fixed for the holding of the poll furnish the clerk of every such municipality a sufficient number of ballots for the purpose of the election.

Proceedings after close of poll.

(11) At the close of the poll in each municipality, the returning officer thereof shall transmit to the returning officer of the District a sealed return showing the number of ballots cast for each of the candidates for election to the District Board and not later than the hour of four o'clock in the afternoon of the third day following the last of such elections, the returning officer of the District shall make up from the returns so received by him the total number of votes cast for each candidate and publicly declare the result of the election, and he shall thereupon declare in writing over his signature the name of each person so elected, and shall send by prepaid mail a copy of such certificate to each candidate.

Vacancies in District Board.

4. Where the office of a member of the District Board becomes vacant from any cause, the remaining members shall at the first meeting after such vacancy occurs, elect from the separate school supporters resident in the Ward from which the member so vacating his seat was elected, a duly qualified person to fill the vacancy for the remainder of the term for which his predecessor was elected.

5.—(1) The first meeting of the District Board shall be held at a place to be named by the secretary of the District at the hour of eight o'clock in the evening of Tuesday of the week next after the week in which the last of the polls for the election of members of the District Board has been held, and thereafter the meetings of the District Board shall be held as provided by the by-laws of the District Board. Meetings of District Board.

(2) The District Board shall be organized as provided by *The Separate Schools Act* with respect to urban separate school boards. Organiza- of District Board. Rev. Stat., c. 362.

6. Until the District Board is organized the existing trustees of each Local Board shall continue to discharge their duties, but upon the organization of the District Board, every Local Board shall be dissolved and all property real and personal vested in the Local Boards shall be vested in the District Board and all rights, powers and privileges which any Local Board would have enjoyed if it had continued to exist shall be exercised and enjoyed by the District Board. Local Boards to continue until District Board organized.

7. The District Board shall be responsible for and shall discharge all the liabilities and obligations of each of the Local Boards and, subject to sections 9, 10 and 11, any indebtedness of any Local Board shall be provided for by a general rate levied upon all property liable for taxation for separate school purposes in the District. District Board responsible for liabilities and obligations of Local Boards.

8.—(1) Upon this Act coming into force the Board of Trustees of the Roman Catholic Separate Schools for the City of Toronto with the approval of the Ontario Municipal Board shall appoint three persons, not members of a Local Board, who shall constitute an equalization commission and thereafter at intervals of five years, the District Board shall appoint a similar equalization commission. Equalization commission.

(2) The duty of the equalization commission shall be to equalize the assessment for separate school purposes of the municipalities or parts thereof within the District, and it shall make its report to the District Board within two months after its appointment. Idem.

(3) A copy of the report of the equalization commission shall be forwarded to the clerk of every municipality, any part of which is within the District. Idem.

(4) An Appeal shall lie from the report of the equalization commission to the Ontario Municipal Board at the instance of 500 or ten per centum in number of the separate school supporters in any municipality, whichever shall be the lesser, Appeal.

assessed in the aggregate for not less than two and one-half per centum of the property assessed for separate school purposes within such municipality, and the decision of such Board thereon shall be final.

Powers of
District
Board.

9. The District Board with the approval of the Ontario Municipal Board may,—

- (a) make such adjustments of assets and liabilities of the Local Boards as between its ratepayers as may be agreed upon or as it shall consider the circumstances warrant;
- (b) exempt any part of the District from the operation of this Act for any period of time;
- (c) make provisions for the preservation of the status, or the equitable adjustment as between its ratepayers, of the burden of the obligations of the Local Boards and recognize such provisions in the levying of its annual rate;
- (d) vary the boundaries of the Wards, the number of the Wards and the number of the members of the District Board accordingly;
- (e) make provision for the holding of elections, the preparation of voters' lists and for such other matters as the District Board may deem necessary to provide for the effective administration of the District.

New debts.

10.—(1) If the District Board becomes liable for any indebtedness incurred or created by a Local Board after the passing of this Act, all rates imposed by the District Board for charges for such indebtedness, shall be imposed solely upon the separate school ratepayers resident within the section or municipality previously under the jurisdiction of such Local Board but so long as such rates are imposed, such ratepayers may *pro tanto* be relieved from the payment of rates imposed by the District Board in respect of charges for other indebtedness of the District Board.

Debentures.

(2) All debentures created by any Local Board or by the District Board shall be a charge upon all school-house properties and premises and any other real or personal property vested in the District Board and upon the separate school rates.

Idem.

(3) Any person at the time of the creation of such debenture indebtedness assessed as a separate school supporter shall, while resident within the District, continue to be liable for

the rate to be levied for the repayment of the money so borrowed.

(4) The District Board may borrow money to repay any ^{Idem} indebtedness of a Local Board and issue debentures to secure such money and the terms of repayment of the same may be arranged in consonance with the terms of repayment of its other obligations.

(5) A municipal corporation and the District Board may ^{Unpaid taxes.} enter into an agreement fixing and settling the amount and terms of payment of any sum of money which may be payable in respect of rates or taxes imposed by a Local Board.

11. The rate to be levied for separate school purposes in ^{Rate.} each municipality shall be determined by the District Board in accordance with the last report of the equalization commission made prior to the levying of the rate.

12.—(1) The District Board shall annually, on or before ^{Estimates.} the 1st day of March, make up its estimates of the cost of maintaining the separate schools in the District and of the amount necessary to provide for its annual debt charges and subject to the variations provided in sections 9, 10 and 11, the same shall be raised, levied and collected by a rate in each municipality levied upon all rateable property of the supporters of the schools of the District Board liable to taxation for separate school purposes according to the last revised assessment roll of such municipality.

(2) The council of every municipality wholly or partly ^{Duty of Municipal Councils in District.} within the District shall through their collectors or other municipal officers, cause to be levied upon the taxable property liable to pay the same, all sums of money for rates or taxes imposed by the District Board in respect of separate schools and the provisions of subsection 2 of section 70 of *The Separate Schools Act* shall apply save that the money payable to the District Board shall as far as possible be paid in monthly instalments or from time to time as the District Board shall require.

13. Save as herein otherwise provided, the District Board ^{District Board to be board of separate school trustees. Rev. Stat., c. 362.} shall be an urban board of separate school trustees within the meaning of *The Separate Schools Act* and shall enjoy all the rights, powers and privileges of and be subject to all the obligations imposed upon an urban board of separate school trustees by *The Separate Schools Act*.

Legislative
grants.

14. Nothing in this Act shall affect or alter the basis of legislative grants for the support of separate schools and such grants may be made as if this Act had not been passed.

Exemption.

15. The Towns of Mimico and New Toronto, the Village of Long Branch and School Sections 11 and 15 of the Township of Etobicoke shall be exempt from the operation of this Act until a date to be fixed by agreement between the District Board and all boards of trustees of Roman Catholic Separate Schools exercising jurisdiction therein.

16. Prior to the organization of the District Board the Ontario Municipal Board may exempt from the operation of this Act any part of the District for any period of time.

Commence-
ment of Act.

17. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation upon the recommendation of the Ontario Municipal Board made on the application of any Local Board, which day shall not be later in any year than the 30th day of June.

Short title.

18. This Act may be cited as *The Toronto and Suburban Separate School Board Act, 1941*.

SCHEDULE A

(Section 1, clause a)

THE DISTRICT

MUNICIPALITY

East York, Township of.....	The whole.
Etobicoke, Township of.....	Schol Sections 2, 3, 5, 8, 11, 14, 15 and 16.
Forest Hill, Village of.....	The whole.
Leaside, Town of.....	The whole.
Long Branch, Village of.....	The whole.
Mimico, Town of.....	The whole.
New Toronto, Town of.....	The whole.
North York, Township of.....	The Township Schol area, School Sections 2, 9, 14, 16, 17, 20, 21, 31, 34 and part of School Section 11 lying South of Sheppard Avenue and west of the Don River.
Scarboro, Township of.....	School Sections 9, 10, 12, 13 and 15.
Swansea, Village of.....	The whole.
Toronto, City of.....	The whole.
Weston, Town of.....	The whole.
York, Township of.....	The whole.

SCHEDULE B

(Section 1, clause e)

WARDS OF DISTRICT	THAT PART OF THE DISTRICT COMPRISED .
1	.....Ward 1, Toronto.
2	.....Ward 2, Toronto.
3	.....Ward 3, Toronto.
4	.....Ward 4, Toronto.
5	.....Ward 5, Toronto.
6	.....Ward 6, Toronto.
7	.....Ward 7, Toronto.
8	.....Ward 8, Toronto.
9	.....Ward 9, Toronto.
10	.....Etobicoke, Long Branch, Mimico, New Toronto, Swansea and Weston.
11	.....Forest Hill, York.
12	.....East York, Leaside, North York, Scarboro.

SCHEDULE C

(Section 3, subsection 4)

THE OATH TO BE TAKEN BY A VOTER

You swear that you are the person named (or intended to be named) in the list of voters now shown to you (*showing the list to the voter*);

That you are of the full age of twenty-one years;

That you are a ratepayer (*or*) that you are the wife (*or*) husband of a ratepayer (*as the case may be*);

That you are a Roman Catholic Separate School supporter (*or*) that you are the wife (*or*) husband of a Roman Catholic Separate School supporter (*as the case may be*);

That you have not voted before at this election;

That you have not, directly or indirectly, received any reward or gift and do not expect to receive any for the vote which you tender at this election;

That you have not received anything, nor has anything been promised you, directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team or any other service connected with this election;

That you have not directly or indirectly paid or promised anything to any person either to induce him to vote or refrain from voting at this election;

So help you God.

BILL

An Act respecting the Board of Trustees
of the Roman Catholic Separate Schools
for the City of Toronto.

1st Reading

March 11th, 1941

2nd Reading

March 31st, 1941

3rd Reading

April 8th, 1941

MR. STRACHAN

No. 17

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act respecting St. George's Church, Guelph.

MR. DREW

(PRIVATE BILL)

No. 17

1941

BILL

An Act respecting St. George's Church, Guelph.

Preamble.

WHEREAS The Rector and Church Wardens of St. George's Church, Guelph, Ontario, have by their petition represented that on the 13th day of January, 1941, they purchased the lands and premises hereinafter described, together with the furniture, fixtures and equipment in the said premises from The Priory Club of Guelph, Limited; that doubts may arise as to the title of the petitioners in the said lands and premises; and whereas the petitioners have prayed that an Act may be passed confirming their title in the said lands and premises and furniture, fixtures and equipment; and whereas it is expedient to grant the prayer of the said petition.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Woolwich St.
properties
vested.

1. The lands in the City of Guelph, in the County of Wellington, known as Nos. 115 and 117 Woolwich Street and more particularly described as follows,—

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the City of Guelph, in the County of Wellington and Province of Ontario and being composed of **FIRSTLY**: of the easterly part of lot number sixty-five (65) in the Canada Company's Survey of the said City of Guelph, which said part of said lot sixty-five may be better known and described as follows, that is to say: **COMMENCING** at the south-easterly angle of the said lot sixty-five (65); **THENCE** north seventy-six (76) degrees west along Woolwich Street seventy-four (74) feet; **THENCE** north fourteen (14) degrees east parallel to the easterly limit of said lot, sixty-six (66) feet more or less to the northerly or rear limit of said lot sixty-five; **THENCE** south seventy-six (76) degrees east along the said northerly or rear limit of said lot sixty-five (65), seventy-four (74) feet to the north-easterly angle of the said lot; **THENCE** south fourteen (14) degrees west along the easterly limit of the said lot sixty-six (66) feet more or less to the place of beginning.

SECONDLY: being composed of that portion of the reserve between the easterly portion of said lot sixty-five as above described and that portion of said reserve heretofore conveyed by Thomas McCrae to the Guelph Junction Railway Company and which said portion of said reserve now conveyed may be better known and described as follows, that is to say: COMMENCING at the north-easterly angle of said lot sixty-five aforesaid; THENCE north seventy-six degrees west along the rear of said lot sixty-five, seventy-four feet; THENCE north fourteen degrees east ninety-five feet more or less to the line of the Guelph Junction Railway Company; THENCE in a south-easterly direction along the limit of the said Railway Company's land to the division line between said lot sixty-five and lot sixty-four produced; THENCE south fourteen degrees west one hundred feet more or less to the place of beginning, saving and excepting thereout that portion of the said reserve conveyed by one Angus McKinnon to the Guelph and Goderich Railway Company by deed bearing date the 18th day of October, A.D. 1905.

and the furniture, fixtures and equipment delivered therewith are hereby vested in The Incumbent and Churchwardens of St. George's Church in St. George's Parish, Guelph, in the Diocese of Niagara, also known as The Rector and Church Wardens of St. George's Church, Guelph, Ontario, for all the estate, right, title and interest of The Priory Club of Guelph, Limited, therein free from all claims of the bondholders of The Priory Club of Guelph, Limited, and subject only to the encumbrances registered against the said lands at the time of registration of the deed dated the 13th day of January, 1941, to The Rector and Church Wardens of St. George's Church, Guelph, Ontario.

Crown rights
not affected.

2. This Act shall not affect any rights of His Majesty the King in the right of the Dominion of Canada in the said lands and premises, furniture, fixtures and equipment under the lease thereof dated the 27th day of November, 1939, or otherwise.

Registration
of Act.

3. A copy of this Act certified by the Clerk of the Legislative Assembly may be registered in the registry office for the registry division of the south and centre ridings of the County of Wellington.

Commence-
ment of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

5. This Act may be cited as *The St. George's Church, Guelph, Act, 1941*.



BILL

An Act respecting St. George's Church,
Guelph.

1st Reading

2nd Reading

3rd Reading

MR. DREW

(*Private Bill*)

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act respecting St. George's Church, Guelph.

MR. DREW

No. 17

1941

BILL

An Act respecting St. George's Church, Guelph.

Preamble.

WHEREAS The Rector and Church Wardens of St. George's Church, Guelph, Ontario, have by their petition represented that on the 13th day of January, 1941, they purchased the lands and premises hereinafter described, together with the furniture, fixtures and equipment in the said premises from The Priory Club of Guelph, Limited; that doubts may arise as to the title of the petitioners in the said lands and premises; and whereas the petitioners have prayed that an Act may be passed confirming their title in the said lands and premises and furniture, fixtures and equipment; and whereas it is expedient to grant the prayer of the said petition.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Woolwich St.
properties
vested.

1. The lands in the City of Guelph, in the County of Wellington, known as Nos. 115 and 117 Woolwich Street and more particularly described as follows,—

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the City of Guelph, in the County of Wellington and Province of Ontario and being composed of **FIRSTLY:** of the easterly part of lot number sixty-five (65) in the Canada Company's Survey of the said City of Guelph, which said part of said lot sixty-five may be better known and described as follows, that is to say: **COMMENCING** at the south-easterly angle of the said lot sixty-five (65); **THENCE** north seventy-six (76) degrees west along Woolwich Street seventy-four (74) feet; **THENCE** north fourteen (14) degrees east parallel to the easterly limit of said lot, sixty-six (66) feet more or less to the northerly or rear limit of said lot sixty-five; **THENCE** south seventy-six (76) degrees east along the said northerly or rear limit of said lot sixty-five (65), seventy-four (74) feet to the north-easterly angle of the said lot; **THENCE** south fourteen (14) degrees west along the easterly limit of the said lot sixty-six (66) feet more or less to the place of beginning.

SECONDLY: being composed of that portion of the reserve between the easterly portion of said lot sixty-five as above described and that portion of said reserve heretofore conveyed by Thomas McCrae to the Guelph Junction Railway Company and which said portion of said reserve now conveyed may be better known and described as follows, that is to say: COMMENCING at the north-easterly angle of said lot sixty-five aforesaid; THENCE north seventy-six degrees west along the rear of said lot sixty-five, seventy-four feet; THENCE north fourteen degrees east ninety-five feet more or less to the line of the Guelph Junction Railway Company; THENCE in a south-easterly direction along the limit of the said Railway Company's land to the division line between said lot sixty-five and lot sixty-four produced; THENCE south fourteen degrees west one hundred feet more or less to the place of beginning, saving and excepting thereout that portion of the said reserve conveyed by one Angus McKinnon to the Guelph and Goderich Railway Company by deed bearing date the 18th day of October, A.D. 1905.

and the furniture, fixtures and equipment delivered therewith are hereby vested in The Incumbent and Churchwardens of St. George's Church in St. George's Parish, Guelph, in the Diocese of Niagara, also known as The Rector and Church Wardens of St. George's Church, Guelph, Ontario, for all the estate, right, title and interest of The Priory Club of Guelph, Limited, therein free from all claims of the bondholders of The Priory Club of Guelph, Limited, and subject only to the encumbrances registered against the said lands at the time of registration of the deed dated the 13th day of January, 1941, to The Rector and Church Wardens of St. George's Church, Guelph, Ontario.

2. This Act shall not affect any rights of His Majesty the King in the right of the Dominion of Canada in the said lands and premises, furniture, fixtures and equipment under the lease thereof dated the 27th day of November, 1939, or otherwise. Crown rights not affected.

3. A copy of this Act certified by the Clerk of the Legislative Assembly may be registered in the registry office for the registry division of the south and centre ridings of the County of Wellington. Registration of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

5. This Act may be cited as *The St. George's Church, Guelph, Act, 1941*. Short title.

BILL

An Act respecting St. George's Church,
Guelph.

1st Reading

March 7th, 1941

2nd Reading

March 19th, 1941

3rd Reading

March 25th, 1941

MR. DREW

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act respecting a Trust Settlement of the late Peter Birtwistle and
the Corporation of the Borough of Colne (England).

MR. STRACHAN

(PRIVATE BILL)

BILL

An Act respecting a Trust Settlement of the late
Peter Birtwistle and the Corporation of the
Borough of Colne (England).

Preamble.

WHEREAS The Trusts and Guarantee Company Limited has by its petition represented that under an agreement dated the 2nd day of January, 1936, made between the Mayor, Aldermen, and Burgesses of the Borough of Colne (England), acting by the Town Council, have agreed that the funds in the hands of the said Trust Company under and subject to the trusts of an indenture dated the 27th day of May, 1918, and made between Peter Birtwistle and the said Trust Company, shall be dealt with under the terms set out in the said agreement; and whereas the petitioner has prayed that an Act may be passed validating and confirming the said agreement and authorizing and empowering the said parties to carry out, do, and perform the things provided by the said agreement; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Agreement
of January
2nd, 1936,
validated.

1. The agreement made between the Corporation of Colne and The Trusts and Guarantee Company Limited, dated the 2nd day of January, 1936, set out in the Schedule hereto, is hereby confirmed, ratified and declared to be legal, valid and binding upon the Corporation of Colne and its successors and the said Trust Company and its successors and assigns, and the Corporation of Colne and the said Trust Company are and each of them is hereby authorized and empowered to do all acts necessary for the full and proper carrying out of the provisions of the said agreement.

Commence-
ment of Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

3. This Act may be cited as *The Birtwistle Estate Settlement Act, 1941*.

SCHEDULE

MEMORANDUM OF AGREEMENT made this second day of January, A.D. 1936.

BETWEEN:

THE TRUSTS AND GUARANTEE COMPANY LIMITED,
hereinafter referred to as the "Trustee", of the FIRST PART,

—and—

THE MAYOR, ALDERMEN & BURGESSES of the Borough of
Colne, acting by the Town Council, hereinafter referred
to as the "Corporation of Colne", of the SECOND PART.

WITNESSETH:

1. The fund held by the Trustee under and subject to the trusts of the agreement dated the 27th day of May, 1918, and made between Peter Birtwistle, therein called the Settlor, of the First Part, and The Trusts and Guarantee Company, Limited, therein called the Trustee, of the Second Part, shall be dealt with by the Trustee as follows:—

The Trustee shall set apart, so soon as the Legislature of the Province of Ontario has sanctioned this agreement, One hundred thousand dollars (\$100,000.00), and shall apply forty per cent thereof, (\$40,000.00), in the establishment of a maintenance fund hereinafter more particularly described, and after deducting the commutation of its fees on the basis hereinafter set out, shall pay to the Corporation of Colne the balance of the said \$100,000.00, and on the first day of April in each of the years 1937 to 1946, inclusive, the Trustee shall set apart \$57,000.00 and shall transfer 40% of each of such sums to the maintenance fund, and after deducting the commutation of its fees on the basis hereinafter set out, shall pay to the Corporation of Colne the balance of the said \$57,000.00, and on the 19th day of April, 1948, the Trustee, if thereto requested by the Corporation of Colne, which shall thereupon become entitled to payment thereof, shall pay the balance of the said fund, together with all accumulations thereon, to the Corporation of Colne, and at the same time, if thereunto requested by the Corporation of Colne, shall pay and transfer the maintenance fund to the Corporation of Colne, which at that time shall become entitled to such transfer and payment.

2. The amounts as hereinabove provided to be transferred to a maintenance fund shall be held by the Trustee in trust to invest the same in the debentures, bonds, stock or other securities of, or guaranteed by, the Government of the Dominion of Canada, or of or guaranteed by any Province of Canada, or of the Government of the United Kingdom, or of any municipal corporation in Canada, including debentures issued for public school purposes or guaranteed by any municipal corporation in Ontario, or secured by or payable out of rates or taxes levied under the law of any Province of Canada on property situated in such Province and collectible by or through the municipality in which such property is situated, in the same manner and with the same rights of enforcing payment as in the case of general municipal taxes in such municipality, and to pay the income therefrom to the Corporation of Colne yearly, and to pay and transfer the corpus with all accumulations to the Corporation of Colne on the 19th day of April, 1948, and the Trustee shall be entitled to charge and be paid one-quarter of one per cent annually of the corpus of the maintenance fund for the management thereof.

3. Payments to the Corporation of Colne out of the principal of the said fund as hereinabove provided, up to and inclusive of the first day of April, 1946, shall be utilized by the Corporation of Colne, and solely

so utilized, in capital expenditure incident to the establishment of a housing scheme for the aged and deserving poor of the Corporation of Colne, provided however that in the administration of the said trusts the Corporation of Colne may utilize the said moneys as the Statutes of Great Britain governing the discharge by municipal corporations of charitable trusts or the charity commissioners or other authorities constituted by and thereunder, shall by proper proceedings in that behalf had and taken order and direct.

4. On setting aside from the said fund the amounts as hereinabove provided, the Trustee shall be entitled to and shall deduct and pay to its own account by way of compensation to it for and in respect of each amount then so set apart, a sum representing the then present value of an annual income of .95% on the gross amount of each such amount so set apart from the date of its setting apart to the 18th day of April, 1948, such present value being calculated on the basis of 5% compound interest.

5. All payments shall be made in Canadian currency to be transmitted to the Corporation of Colne in such manner as the Town Council of the Borough of Colne may by resolution under its corporate seal from time to time direct. The Trustee shall be protected in acting on the faith of any resolution purporting to be under the seal of the Corporation of Colne. If any payment is to be made in any manner other than by the Trustee's cheque on its Canadian Bankers, the additional cost of making such payment shall be chargeable to the Corporation of Colne and paid by the Trustee out of the funds in its hands.

6. All disbursements of the parties hereto made and incurred in connection with or arising out of the matters determined by this agreement, including negotiations with respect to such matters, the making of this agreement, and any application to any Court or Legislature or administrative body for authorization or confirmation thereof, shall be charged upon and paid out of the fund in the hands of the Trustee.

7. Except as varied by this agreement, the terms of the Trust Deed of the 27th day of May, 1918, shall remain in full force and effect.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their corporate seals under the hands of their proper Officers in that behalf.

The Corporate Seal of The Trusts and Guarantee Company, Limited, was affixed hereto in the presence of

"C. S. HAMILTON,"

President.

"J. E. ROBINSON,"

Secretary.

The Corporate Seal of the Mayor, Aldermen and Burgesses of the Corporation of Colne was affixed hereto in the presence of

"A. D. BAILEY,"

Mayor.

"L. A. VENABLES,"

Town Clerk.



BILL

An Act respecting a Trust Settlement of
the late Peter Birtwistle and the
Corporation of the Borough of
Colne (England).

1st Reading

2nd Reading

3rd Reading

MR. STRACHAN

(*Private Bill*)

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act respecting a Trust Settlement of the late Peter Birtwistle and
the Corporation of the Borough of Colne (England).

MR. STRACHAN

BILL

An Act respecting a Trust Settlement of the late
Peter Birtwistle and the Corporation of the
Borough of Colne (England).

Preamble.

WHEREAS The Trusts and Guarantee Company Limited has by its petition represented that under an agreement dated the 2nd day of January, 1936, made between the Mayor, Aldermen, and Burgesses of the Borough of Colne (England), acting by the Town Council, have agreed that the funds in the hands of the said Trust Company under and subject to the trusts of an indenture dated the 27th day of May, 1918, and made between Peter Birtwistle and the said Trust Company, shall be dealt with under the terms set out in the said agreement; and whereas the petitioner has prayed that an Act may be passed validating and confirming the said agreement and authorizing and empowering the said parties to carry out, do, and perform the things provided by the said agreement; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Agreement
of January
2nd, 1936,
validated.

1. The agreement made between the Corporation of Colne and The Trusts and Guarantee Company Limited, dated the 2nd day of January, 1936, set out in the Schedule hereto, is hereby confirmed, ratified and declared to be legal, valid and binding upon the Corporation of Colne and its successors and the said Trust Company and its successors and assigns, and the Corporation of Colne and the said Trust Company are and each of them is hereby authorized and empowered to do all acts necessary for the full and proper carrying out of the provisions of the said agreement.

Commence-
ment of Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

3. This Act may be cited as *The Birtwistle Estate Settlement Act, 1941*.

SCHEDULE

MEMORANDUM OF AGREEMENT made this second day of January, A.D. 1936.

BETWEEN:

THE TRUSTS AND GUARANTEE COMPANY LIMITED,
hereinafter referred to as the "Trustee", of the FIRST PART,

—and—

THE MAYOR, ALDERMEN & BURGESSES of the Borough of
Colne, acting by the Town Council, hereinafter referred
to as the "Corporation of Colne", of the SECOND PART.

WITNESSETH:

1. The fund held by the Trustee under and subject to the trusts of the agreement dated the 27th day of May, 1918, and made between Peter Birtwistle, therein called the Settlor, of the First Part, and The Trusts and Guarantee Company, Limited, therein called the Trustee, of the Second Part, shall be dealt with by the Trustee as follows:—

The Trustee shall set apart, so soon as the Legislature of the Province of Ontario has sanctioned this agreement, One hundred thousand dollars (\$100,000.00), and shall apply forty per cent thereof, (\$40,000.00), in the establishment of a maintenance fund hereinafter more particularly described, and after deducting the commutation of its fees on the basis hereinafter set out, shall pay to the Corporation of Colne the balance of the said \$100,000.00, and on the first day of April in each of the years 1937 to 1946, inclusive, the Trustee shall set apart \$57,000.00 and shall transfer 40% of each of such sums to the maintenance fund, and after deducting the commutation of its fees on the basis hereinafter set out, shall pay to the Corporation of Colne the balance of the said \$57,000.00, and on the 19th day of April, 1948, the Trustee, if thereto requested by the Corporation of Colne, which shall thereupon become entitled to payment thereof, shall pay the balance of the said fund, together with all accumulations thereon, to the Corporation of Colne, and at the same time, if thereunto requested by the Corporation of Colne, shall pay and transfer the maintenance fund to the Corporation of Colne, which at that time shall become entitled to such transfer and payment.

2. The amounts as hereinabove provided to be transferred to a maintenance fund shall be held by the Trustee in trust to invest the same in the debentures, bonds, stock or other securities of, or guaranteed by, the Government of the Dominion of Canada, or of or guaranteed by any Province of Canada, or of the Government of the United Kingdom, or of any municipal corporation in Canada, including debentures issued for public school purposes or guaranteed by any municipal corporation in Ontario, or secured by or payable out of rates or taxes levied under the law of any Province of Canada on property situated in such Province and collectible by or through the municipality in which such property is situated, in the same manner and with the same rights of enforcing payment as in the case of general municipal taxes in such municipality, and to pay the income therefrom to the Corporation of Colne yearly, and to pay and transfer the corpus with all accumulations to the Corporation of Colne on the 19th day of April, 1948, and the Trustee shall be entitled to charge and be paid one-quarter of one per cent annually of the corpus of the maintenance fund for the management thereof.

3. Payments to the Corporation of Colne out of the principal of the said fund as hereinabove provided, up to and inclusive of the first day of April, 1946, shall be utilized by the Corporation of Colne, and solely

so utilized, in capital expenditure incident to the establishment of a housing scheme for the aged and deserving poor of the Corporation of Colne, provided however that in the administration of the said trusts the Corporation of Colne may utilize the said moneys as the Statutes of Great Britain governing the discharge by municipal corporations of charitable trusts or the charity commissioners or other authorities constituted by and thereunder, shall by proper proceedings in that behalf had and taken order and direct.

4. On setting aside from the said fund the amounts as hereinabove provided, the Trustee shall be entitled to and shall deduct and pay to its own account by way of compensation to it for and in respect of each amount then so set apart, a sum representing the then present value of an annual income of .95% on the gross amount of each such amount so set apart from the date of its setting apart to the 18th day of April, 1948, such present value being calculated on the basis of 5% compound interest.

5. All payments shall be made in Canadian currency to be transmitted to the Corporation of Colne in such manner as the Town Council of the Borough of Colne may by resolution under its corporate seal from time to time direct. The Trustee shall be protected in acting on the faith of any resolution purporting to be under the seal of the Corporation of Colne. If any payment is to be made in any manner other than by the Trustee's cheque on its Canadian Bankers, the additional cost of making such payment shall be chargeable to the Corporation of Colne and paid by the Trustee out of the funds in its hands.

6. All disbursements of the parties hereto made and incurred in connection with or arising out of the matters determined by this agreement, including negotiations with respect to such matters, the making of this agreement, and any application to any Court or Legislature or administrative body for authorization or confirmation thereof, shall be charged upon and paid out of the fund in the hands of the Trustee.

7. Except as varied by this agreement, the terms of the Trust Deed of the 27th day of May, 1918, shall remain in full force and effect.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their corporate seals under the hands of their proper Officers in that behalf.

The Corporate Seal of The Trusts and Guarantee Company, Limited, was affixed hereto in the presence of

"C. S. HAMILTON,"
President.
"J. E. ROBINSON,"
Secretary.

The Corporate Seal of the Mayor, Aldermen and Burgesses of the Corporation of Colne was affixed hereto in the presence of

"A. D. BAILEY,"
Mayor.
"L. A. VENABLES,"
Town Clerk.



An Act respecting a Trust Settlement of
the late Peter Birtwistle and the
Corporation of the Borough of
Colne (England).

1st Reading

February 25th, 1941

2nd Reading

March 19th, 1941

3rd Reading

March 25th, 1941

MR. STRACHAN

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act respecting the City of Windsor.

MR. FLETCHER

(PRIVATE BILL)

BILL

An Act respecting the City of Windsor.

Preamble.

WHEREAS the Corporation of the City of Windsor, hereinafter referred to as "the Corporation", has by its petition prayed for special legislation in respect of the several matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Assets of Ford City Housing Commission vested in City of Windsor.

1. The whole of the undertaking, property, deeds, agreements, leases, mortgages and other assets of the Housing Commission of the Town of Ford City is hereby vested in the Corporation.

Schedule A lands vested in City of Windsor.

2.—(1) The lands described in Schedule A hereto, heretofore mortgaged by the Border Housing Company, Limited, to the Housing Commission of the Town of Walkerville, are hereby vested in the Corporation in fee simple.

Declaration as to in- terest in Schedule A lands.

(2) It is hereby declared that the Border Housing Company, Limited, John W. McWaters, John E. Russell and T. H. Navin have had, since the 3rd day of February, 1922, no interest whatsoever in the lands mentioned in subsection 1.

Pensions and retiring allowances. 1935, c. 74, s. 7; 1936, c. 66, s. 2.

3.—(1) Notwithstanding the provisions of section 7 of *The City of Windsor (Amalgamation) Act, 1935*, as re-enacted by section 2 of *The City of Windsor (Amalgamation) Amendment Act, 1936*, the council of the Corporation may from time to time reduce to a maximum of \$600 per annum any gratuitous pension or retiring allowance granted to any person by The Windsor Finance Commission.

Idem.

(2) The council of the Corporation shall from the 1st day of July, 1935, be deemed to have been authorized and empowered to grant a gratuitous retiring allowance to any employee of the Corporation or of the former municipalities of East Windsor, Walkerville, Windsor and Sandwich, who was retired prior to the 31st day of December, 1940.

Idem.

(3) From and after the coming into force of this Act no retiring allowance granted under subsection 2 shall exceed \$600 per annum.

Idem.

(4) The council of the Corporation is hereby authorized and empowered to grant to any employee of the Corporation who had on or before the 1st day of July, 1938, attained the age of 65 years, an annual retiring allowance equal to three-quarters of one per cent of the salary of such person on the 1st day of July, 1938, for each year of service prior to the date of retirement, provided that no such retiring allowance shall exceed \$600.

Idem.

(5) The exercise by the council of the Corporation of any of the powers conferred by this section shall be subject to the approval of the Department of Municipal Affairs.

By-laws
156 and
215 val-
dated.

4. By-law number 156 passed by the council of the Corporation on the 5th day of July, 1938, entitled "A By-law to Grant Aid for the Establishment and Maintenance of a Superannuation and Benefit Fund for Employees of the Corporation" set out as Schedule B hereto, and by-law number 215 passed by the council of the Corporation on the 18th day of September, 1939, entitled "A By-law to Amend By-law Number 156" set out as Schedule C hereto, are hereby confirmed and declared to be legal, valid and binding upon the Corporation and the ratepayers thereof.

1935, c. 74,
s. 12, subs. 2,
re-enacted.

5. Subsection 2 of section 12 of *The City of Windsor (Amalgamation) Act, 1935*, is repealed and the following substituted therefor:

Utilities
Commis-
sion,—
constitution.

(2) (a) The Windsor Utilities Commission shall be composed of the mayor of the new city who shall hold office, *ex officio*, and four members to be elected by general vote for the term of two years, provided that at the annual election in December, 1941, of the four members elected, the two members elected by the greatest number of votes shall hold office for two years, and the other two shall hold office for one year, and thereafter at each succeeding election two members shall be elected.

(b) The election of members of The Windsor Utilities Commission shall be held in each year at the same time and place as the annual municipal elections for the new city.

(c) The Windsor Utilities Commission as constituted upon the coming into force of *The City of Windsor*

Act, 1941, shall continue in office for the year 1941 and until the Commission for the year 1942 takes office.

Commence-
ment of Act. **6.** This Act shall come into force on the day upon which it receives the Royal Assent.

Short title. **7.** This Act may be cited as *The City of Windsor Act, 1941*.

SCHEDULE A

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the City of Windsor, in the County of Essex and Province of Ontario and being composed of:

FIRSTLY:

Lots Numbered 153, 154, 155, 156, 157, 158, 159, 160, 161, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200 on the east side of Turner Road, and Lots Numbered 214, 215, 216, 217, 218, 219, 220, 221, 222, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 253, 254, 255, 256, 257, 258, 259, 260 on the west side of Turner Road, according to plan registered in the Registry Office of the Registry Division of the County of Essex as Number 951 for the Town of Walkerville, and

SECONDLY:

Lots Numbered 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115 on the east side of Windermere Road, and Lots Numbered 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143 on the west side of Windermere Road according to plan registered in the Registry Office for the Registry Division of the County of Essex as Number 949 for the Town of Walkerville.

SCHEDULE B

BY-LAW NUMBER 156

A By-law to grant aid for the establishment and maintenance of a superannuation and benefit fund for employees of the Corporation.

Passed the 5th day of July, 1938.

WHEREAS under the provisions of subsection 11 of Section 414 of the Municipal Act the Council may pass a by-law for granting aid for the establishment and maintenance of a superannuation and benefit fund for the employees of the Police Force and Fire Brigade and for other officers and employees of the Corporation and of their wives and families;

AND WHEREAS it is deemed expedient to grant aid for the establishment and maintenance of such a fund for the employees of the Corporation;

THEREFORE the Municipal Council of The Corporation of the City of Windsor enacts as follows:

1. That the Corporation grant in the year 1938 the sum of \$50,000.00, together with the sum of \$25,000.00 granted for the same purpose under By-law 134, for the establishment of a superannuation and benefit fund for the employees of the Corporation, and in succeeding years such annual sums as may be necessary for the continuation of the said fund.

2. That E. S. Wigle, Mayor, A. E. Cock, City Treasurer, C. V. Waters, City Clerk, R. J. Desmarais, City Engineer and L. Z. McPherson, City Solicitor, and their successors in office from time to time, together with a representative of the Council, to be appointed annually by resolution, shall be and they are hereby constituted a Committee to be known as "City of Windsor Pensions Committee" to receive the said grants and to do all acts necessary to administer the said fund in accordance with the provisions of the pension plan dated April 6th, 1938, submitted on behalf of the Sun Life Assurance Company of Canada.

3. That every employee of the Corporation included in any of the classifications under the said plan shall contribute to the said fund the amount fixed by the said plan in respect to the classification which applies to such employee.

4. This by-law shall come into force on the day of the final passing thereof, and shall not be repealed without the consent of the Ontario Municipal Board.

(Signed) E. S. WIGLE,
Mayor.

(Seal)

(Signed) C. V. WATERS,
Clerk.

First Reading, June 30th, 1938.
Second Reading, June 30th, 1938.
Third Reading, July 5th, 1938.

APPROVED:
Dept. of Municipal Affairs, Ont.,
(Signed) R. J. MOORE, *Supervisor.*
August 3rd, 1938

SCHEDULE C

BY-LAW NUMBER 215

A By-law to amend By-law Number 156.

Passed the 18th day of September, A.D. 1939.

WHEREAS under the authority of By-law Number 156 the Corporation entered into a contract for a pension plan with the Sun Life Insurance Company of Canada;

AND WHEREAS conditions may arise from time to time whereby it will be necessary to alter the provisions of the said plan;

THEREFORE the Municipal Council of The Corporation of the City of Windsor enacts as follows:

1. That Section 2 of By-law 156 be and the same is hereby amended by adding after the figures "1938" in the eighth line thereof the following words—"and amendments thereto approved by resolution of the Council".

2. This by-law shall come into force on the day of the final passing thereof and shall not be repealed without the consent of the Ontario Municipal Board.

(Signed) DAVID CROLL,
Mayor.

(Seal)

(Signed) R. H. COOPER,
Acting Clerk.

First Reading—September 18th, 1939.

Second Reading—September 18th, 1939.

Third Reading—September 18th, 1939.

BILL

An Act respecting the City of Windsor.

1st Reading

2nd Reading

3rd Reading

MR. FLETCHER

(*Private Bill*)

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act respecting the City of Windsor.

MR. FLETCHER

(PRIVATE BILL)

BILL

An Act respecting the City of Windsor.

Preamble.

WHEREAS the Corporation of the City of Windsor, hereinafter referred to as "the Corporation", has by its petition prayed for special legislation in respect of the several matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Assets of
Ford City
Housing
Commission
vested in
City of
Windsor.

1. The whole of the undertaking, property, deeds, agreements, leases, mortgages and other assets of the Housing Commission of the Town of Ford City is hereby vested in the Corporation.

Schedule A
lands
vested in
City of
Windsor.

2.—(1) The lands described in the Schedule hereto, heretofore mortgaged by the Border Housing Company, Limited, to the Housing Commission of the Town of Walkerville, are hereby vested in the Corporation in fee simple.

Declaration
as to in-
terest in
Schedule A
lands.

(2) It is hereby declared that the Border Housing Company, Limited, John W. McWaters, John E. Russell and T. H. Navin have had, since the 3rd day of February, 1922, no interest whatsoever in the lands mentioned in subsection 1.

1935, c. 74,
s. 12, subs. 2,
re-enacted.

3. Subsection 2 of section 12 of *The City of Windsor (Amalgamation) Act, 1935*, is repealed and the following substituted therefor:

Utilities
Commis-
sion,—
constitution.

(2) (a) The Windsor Utilities Commission shall be composed of the mayor of the new city who shall hold office, *ex officio*, and four members to be elected by general vote for the term of two years, provided that at the annual election in December, 1941, of the four members elected, the two members elected by the greatest number of votes shall hold office for two years, and the other two shall hold office for one year, and thereafter at each succeeding election two members shall be elected.

- (b) The election of members of The Windsor Utilities Commission shall be held in each year at the same time and place as the annual municipal elections for the new city.
- (c) The Windsor Utilities Commission as constituted upon the coming into force of *The City of Windsor Act, 1941*, shall continue in office for the year 1941 and until the Commission for the year 1942 takes office.

Commence-
ment of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

5. This Act may be cited as *The City of Windsor Act, 1941*.

SCHEDULE

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the City of Windsor, in the County of Essex and Province of Ontario and being composed of:

FIRSTLY:

Lots Numbered 153, 154, 155, 156, 157, 158, 159, 160, 161, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200 on the east side of Turner Road, and Lots Numbered 214, 215, 216, 217, 218, 219, 220, 221, 222, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 253, 254, 255, 256, 257, 258, 259, 260 on the west side of Turner Road, according to plan registered in the Registry Office of the Registry Division of the County of Essex as Number 951 for the Town of Walkerville, and

SECONDLY:

Lots Numbered 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115 on the east side of Windermere Road, and Lots Numbered 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143 on the west side of Windermere Road according to plan registered in the Registry Office for the Registry Division of the County of Essex as Number 949 for the Town of Walkerville.

BILL

An Act respecting the City of Windsor.

1st Reading

March 5th, 1941

2nd Reading

3rd Reading

MR. FLETCHER

(*Reprinted as amended by the Committee on
Private Bills.*)

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act respecting the City of Windsor.

MR. FLETCHER

*(Reprinted as further amended by the Committee on
Private Bills.)*

BILL

An Act respecting the City of Windsor.

Preamble.

WHEREAS the Corporation of the City of Windsor, hereinafter referred to as "the Corporation", has by its petition prayed for special legislation in respect of the several matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Assets of Ford City Housing Commission vested in City of Windsor.

1. The whole of the undertaking, property, deeds, agreements, leases, mortgages and other assets of the Housing Commission of the Town of Ford City is hereby vested in the Corporation.

Schedule A lands vested in City of Windsor.

2.—(1) The lands described in the Schedule hereto, heretofore mortgaged by the Border Housing Company, Limited, to the Housing Commission of the Town of Walkerville, are hereby vested in the Corporation in fee simple.

Declaration as to interest in Schedule A lands.

(2) It is hereby declared that the Border Housing Company, Limited, John W. McWaters, John E. Russell and T. H. Navin have had, since the 3rd day of February, 1922, no interest whatsoever in the lands mentioned in subsection 1.

1935, c. 74, s. 12, subs. 2, re-enacted.

3. Subsection 2 of section 12 of *The City of Windsor (Amalgamation) Act, 1935*, is repealed and the following substituted therefor:


Utilities Commission,—constitution.

(2) (a) The Windsor Utilities Commission shall be composed of the mayor of the new city who shall hold office, *ex officio*, and four members to be elected by general vote for the term of two years, provided that at the annual election in December, 1941, of the four members elected, the two members elected by the greatest number of votes shall hold office for two years, and the other two shall hold office for one year, and thereafter at each succeeding election two members shall be elected.


(b) The election of members of The Windsor Utilities Commission shall be held in each year at the same time and place as the annual municipal elections for the new city.

(c) The Windsor Utilities Commission as constituted upon the coming into force of *The City of Windsor Act, 1941*, shall continue in office for the year 1941 and until the Commission for the year 1942 takes office.

Retiring
allowances.

 4. The Corporation of the City of Windsor may continue to pay until the 30th day of June, 1942, the retiring allowances granted or purporting to have been granted from the 1st day of July, 1935, to the 5th day of March, 1941, by the council of the Corporation of the City of Windsor to any person who was or had been an employee or servant of the Corporation or of the Corporation of the former City of East Windsor or Windsor, or the former Town of Walkerville or Sandwich, and who was retired prior to the 31st day of December, 1940.

Commence-
ment of Act.

 5. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

6. This Act may be cited as *The City of Windsor Act, 1941*.

SCHEDULE

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the City of Windsor, in the County of Essex and Province of Ontario and being composed of:

FIRSTLY:

Lots Numbered 153, 154, 155, 156, 157, 158, 159, 160, 161, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200 on the east side of Turner Road, and Lots Numbered 214, 215, 216, 217, 218, 219, 220, 221, 222, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 253, 254, 255, 256, 257, 258, 259, 260 on the west side of Turner Road, according to plan registered in the Registry Office of the Registry Division of the County of Essex as Number 951 for the Town of Walkerville, and

SECONDLY:

Lots Numbered 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115 on the east side of Windermere Road, and Lots Numbered 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143 on the west side of Windermere Road according to plan registered in the Registry Office for the Registry Division of the County of Essex as Number 949 for the Town of Walkerville.

BILL

An Act respecting the City of Windsor.

1st Reading

March 5th, 1941

2nd Reading

3rd Reading

MR. FLETCHER

(Reprinted as further amended by the Committee on Private Bills.)

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act respecting the City of Windsor.

MR. FLETCHER

BILL

An Act respecting the City of Windsor.

Preamble.

WHEREAS the Corporation of the City of Windsor, hereinafter referred to as "the Corporation", has by its petition prayed for special legislation in respect of the several matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Assets of
Ford City
Housing
Commission
vested in
City of
Windsor.

1. The whole of the undertaking, property, deeds, agreements, leases, mortgages and other assets of the Housing Commission of the Town of Ford City is hereby vested in the Corporation.

Schedule A
lands
vested in
City of
Windsor.

2.—(1) The lands described in the Schedule hereto, heretofore mortgaged by the Border Housing Company, Limited, to the Housing Commission of the Town of Walkerville, are hereby vested in the Corporation in fee simple.

Declaration
as to in-
terest in
Schedule A
lands.

(2) It is hereby declared that the Border Housing Company, Limited, John W. McWaters, John E. Russell and T. H. Navin have had, since the 3rd day of February, 1922, no interest whatsoever in the lands mentioned in subsection 1.

1935, c. 74,
s. 12, subs. 2,
re-enacted.

3. Subsection 2 of section 12 of *The City of Windsor (Amalgamation) Act, 1935*, is repealed and the following substituted therefor:

Utilities
Commis-
sion,
constitution.

(2) (a) The Windsor Utilities Commission shall be composed of the mayor of the new city who shall hold office, *ex officio*, and four members to be elected by general vote for the term of two years, provided that at the annual election in December, 1941, of the four members elected, the two members elected by the greatest number of votes shall hold office for two years, and the other two shall hold office for one year, and thereafter at each succeeding election two members shall be elected.

(b) The election of members of The Windsor Utilities Commission shall be held in each year at the same time and place as the annual municipal elections for the new city.

(c) The Windsor Utilities Commission as constituted upon the coming into force of *The City of Windsor Act, 1941*, shall continue in office for the year 1941 and until the Commission for the year 1942 takes office.

4. The Corporation of the City of Windsor may continue to pay until the 30th day of June, 1942, the retiring allowances granted or purporting to have been granted from the 1st day of July, 1935, to the 5th day of March, 1941, by the council of the Corporation of the City of Windsor to any person who was or had been an employee or servant of the Corporation or of the Corporation of the former City of East Windsor or Windsor, or the former Town of Walkerville or Sandwich, and who was retired prior to the 31st day of December, 1940.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

6. This Act may be cited as *The City of Windsor Act, 1941*.

SCHEDULE

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the City of Windsor, in the County of Essex and Province of Ontario and being composed of:

FIRSTLY:

Lots Numbered 153, 154, 155, 156, 157, 158, 159, 160, 161, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200 on the east side of Turner Road, and Lots Numbered 214, 215, 216, 217, 218, 219, 220, 221, 222, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 253, 254, 255, 256, 257, 258, 259, 260 on the west side of Turner Road, according to plan registered in the Registry Office of the Registry Division of the County of Essex as Number 951 for the Town of Walkerville, and

SECONDLY:

Lots Numbered 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115 on the east side of Windermere Road, and Lots Numbered 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143 on the west side of Windermere Road according to plan registered in the Registry Office for the Registry Division of the County of Essex as Number 949 for the Town of Walkerville.



BILL

An Act respecting the City of Windsor.

1st Reading

March 5th, 1941

2nd Reading

March 31st, 1941

3rd Reading

April 7th, 1941

MR. FLETCHER

No. 20

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act respecting the Township of Teck.

MR. COOPER

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 20

1941

BILL

An Act respecting the Township of Teck.

Preamble.

WHEREAS the Corporation of the Township of Teck has by its petition prayed for special legislation in respect of the several matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Telephone & telegraph companies; garbage collection; residential streets; building lines; electricians; tag days.

Rev. Stat., c. 272, ss. 12, 13; Rev. Stat., c. 266, s. 414, paras. 1, 9; s. 437, para 1, as reenacted; 1939, c. 30, s. 31; s. 442, para. 2, as amended; 1938, c. 22, s. 13.

1. For the purposes of sections 12 and 13 of *The Assessment Act*, paragraphs 1 and 9 of section 414 of *The Municipal Act*, paragraph 1 of section 437 of *The Municipal Act* as re-enacted by *The Municipal Amendment Act, 1939*, and paragraph 2 of section 442 of *The Municipal Act*, the Township of Teck shall be deemed to be a town and the said provisions shall apply to the said township accordingly.

Building zones; the structure of buildings; rewarding firemen.

Rev. Stat., c. 266, s. 406, as amended; 1939, c. 30, s. 25; s. 407, paras. 6, 17.

2. For the purposes of section 406 of *The Municipal Act*, as amended by *The Municipal Amendment Act, 1939*, and paragraphs 6 and 17 of section 407 of *The Municipal Act*, the Township of Teck shall be deemed to be an urban municipality and the said provisions shall apply to the said Township accordingly.

Entertainment and celebration grants; travelling expenses; \$2,500 per annum.

Rev. Stat., c. 266, s. 448.

3. For the purposes of section 448 of *The Municipal Act*, the Township of Teck shall be deemed to be a town having a population of not less than 20,000, and the said section shall apply to the said township accordingly.

Municipal public utility expenditure, \$500 per annum.

Rev. Stat., c. 266, s. 449.

4. For the purposes of section 449 of *The Municipal Act*, the Township of Teck shall be deemed to be a town having a population of not less than 5,000, and the said section shall apply to the said township accordingly.

Short title.

5. This Act may be cited as *The Township of Teck Act, 1941*.

BILL

An Act respecting the Township of Teck.

1st Reading

2nd Reading

3rd Reading

MR. COOPER

(*Private Bill*)

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act respecting the City of Sudbury.

MR. COOPER

(PRIVATE BILL)

No. 21

1941

BILL

An Act respecting the City of Sudbury.

Preamble.

WHEREAS the Corporation of the City of Sudbury has by its petition prayed for special legislation to validate by-law number 2187; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

By-law
number
2187
validated.

1. By-law number 2187 passed by the council of the Corporation of the City of Sudbury on the 27th day of February, 1941, entitled "A by-law relating to the levying of water rates and arrears taken from Street Stand Pipes within the limits of the Municipal Corporation of the City of Sudbury", set out as the Schedule hereto, is hereby confirmed and declared to be legal, valid and binding upon the Corporation of the City of Sudbury and the ratepayers thereof.

Short title.

2. This Act may be cited as *The City of Sudbury Act, 1941*.

SCHEDULE

BY-LAW NUMBER 2187

A by-law relating to the levying of water rates and arrears taken from Street Stand Pipes within the limits of the Municipal Corporation of the City of Sudbury.

The Municipal Corporation of the City of Sudbury enacts as follows:

The sum payable by the owner or occupant of any house, tenement, lot or part of lot, for the water supplied to him from any stand pipe within the limits of the Municipal Corporation of the City of Sudbury, or for the use thereof shall be a lien and charge on such house, tenement, lot or part of a lot, and may be levied and collected in like manner as municipal rates and taxes are by law recoverable.

Done and Passed in open Council this 27th day of February, 1941.

H. R. McKEOWN,
Clerk.

W. S. BEATON,
Mayor.

BILL

An Act respecting the City of Sudbury.

1st Reading

2nd Reading

3rd Reading

MR. COOPER

(*Private Bill*)

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act respecting the City of Sudbury.

MR. COOPER

No. 21

1941

BILL

An Act respecting the City of Sudbury.

Preamble.

WHEREAS the Corporation of the City of Sudbury has by its petition prayed for special legislation to validate by-law number 2187; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

By-law
number
2187
validated.

1. By-law number 2187 passed by the council of the Corporation of the City of Sudbury on the 27th day of February, 1941, entitled "A by-law relating to the levying of water rates and arrears taken from Street Stand Pipes within the limits of the Municipal Corporation of the City of Sudbury", set out as the Schedule hereto, is hereby confirmed and declared to be legal, valid and binding upon the Corporation of the City of Sudbury and the ratepayers thereof.

Short title.

2. This Act may be cited as *The City of Sudbury Act, 1941*.

SCHEDULE

BY-LAW NUMBER 2187

A by-law relating to the levying of water rates and arrears taken from Street Stand Pipes within the limits of the Municipal Corporation of the City of Sudbury.

The Municipal Corporation of the City of Sudbury enacts as follows:

The sum payable by the owner or occupant of any house, tenement, lot or part of lot, for the water supplied to him from any stand pipe within the limits of the Municipal Corporation of the City of Sudbury, or for the use thereof shall be a lien and charge on such house, tenement, lot or part of a lot, and may be levied and collected in like manner as municipal rates and taxes are by law recoverable.

Done and Passed in open Council this 27th day of February, 1941.

H. R. McKEOWN,
Clerk.

W. S. BEATON,
Mayor.

BILL

An Act respecting the City of Sudbury.

1st Reading

March 11th, 1941

2nd Reading

March 21st, 1941

3rd Reading

April 1st, 1941

MR. COOPER

No. 22

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act respecting the Town of Timmins.

MR. HABEL

(PRIVATE BILL)

BILL

An Act respecting the Town of Timmins.

Preamble.

WHEREAS the Corporation of the Town of Timmins has by its petition prayed for special legislation in respect of the levying and collection of a poll tax; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpre-
tation,—

1. In this Act,—

"inhabi-
tant";

(a) "inhabitant" shall mean a person who ordinarily resides in a municipality whether or not such person is employed therein; and

"Town."

(b) "Town" shall mean Town of Timmins.

Poll tax.

2. The council of the Corporation of the Town may pass by-laws levying and collecting an annual tax to be known as "poll tax" of not more than \$10 from every male inhabitant who,—

(a) has been an inhabitant for the period of thirty days immediately prior to the date upon which the poll tax is levied;

(b) is twenty-one years or over and under sixty years of age;

(c) is not exempt from performing statute labour under *The Statute Labour Act*;

Rev. Stat.,
c. 274.

(d) is not otherwise assessed in the Town, or who is assessed and whose taxes are less than the poll tax; and

(e) has not filed with the clerk a certificate of an official of any other municipality showing in respect of the year for which the poll tax is levied that he is assessed

Rev. Stat.,
c. 272;
c. 274.

under *The Assessment Act* elsewhere in Ontario or that he has not been an inhabitant of any other municipality and performed statute labour or paid poll tax under *The Statute Labour Act* elsewhere in Ontario.

Payment
where tax
less than
poll tax.

Rev. Stat.,
c. 272.

3.—(1) Where any person is assessed under *The Assessment Act* in respect of real property in the Town and his taxes are less than the amount of the poll tax, he shall be liable to pay the poll tax only.

Idem.

(2) Where any person is assessed under *The Assessment Act* in respect of real property elsewhere in Ontario than the Town and his taxes are less than the amount of the poll tax, he shall be liable to pay the amount of the difference between the taxes in respect of such real property and the poll tax only.

Payment to
collector by
employer.

4.—(1) Where any inhabitant liable to pay poll tax has been employed either within or outside the Town by the same person for not less than thirty days, such employer, whether within or outside the Town, shall pay over to the collector on demand out of any wages due to such employee the amount of such poll tax, and such payment shall relieve the employer from any liability to the employee for the amount so paid.

Idem.

(2) Where any employer neglects or refuses to pay over on demand the amount of such poll tax under subsection 1 within two days of the demand therefor, the Corporation of the Town may recover as a debt the amount so demanded from such employer in any court of competent jurisdiction.

Collection
of poll tax.

5.—(1) Every person liable to pay poll tax shall pay the same to the collector appointed to collect the same within two days after demand therefor by the collector, and in case of neglect or refusal to pay the same, the collector may levy the same by distress and sale of the goods and chattels of the defaulter, with costs of distress, and if no such sufficient distress can be found, the defaulter, for his neglect or refusal to pay the said sum, shall incur a penalty of \$10.

Penalty,—
how recover-
able.
Rev. Stat.,
c. 136.

(2) The penalty imposed by this section shall be recoverable under *The Summary Convictions Act*.

Commence-
ment of Act.

6. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

7. This Act may be cited as *The Town of Timmins Act, 1941*.





BILL

An Act respecting the Town of Timmins.

1st Reading

2nd Reading

3rd Reading

MR. HABEL

(*Private Bill*)

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act respecting the Town of Timmins.

MR. HABEL

*(Reprinted as amended by the Committee on
Private Bills.)*

BILL

An Act respecting the Town of Timmins.

Preamble.

WHEREAS the Corporation of the Town of Timmins has by its petition prayed for special legislation in respect of the levying and collection of a poll tax; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpre-
tation,—

1. In this Act,—

"inhabi-
tant";

(a) "inhabitant" shall mean a person who ordinarily resides in a municipality whether or not such person is employed therein; and

"Town."

(b) "Town" shall mean Town of Timmins.

Poll tax.

2. The council of the Corporation of the Town may pass by-laws levying and collecting an annual tax to be known as "poll tax" of not more than \$10 from every male inhabitant who,—

(a) has been an inhabitant for the period of thirty days immediately prior to the date upon which the poll tax is levied;

(b) is twenty-one years or over and under sixty years of age;

Rev. Stat.,
c. 274.

(c) is not exempt from performing statute labour under *The Statute Labour Act*;

(d) is not otherwise assessed in the Town, or who is assessed and whose taxes are less than the poll tax; and

(e) has not filed with the clerk a certificate of an official of any other municipality showing in respect of the year for which the poll tax is levied that he is assessed

Rev. Stat.,
c. 272;
c. 274.

under *The Assessment Act* elsewhere in Ontario or that he has not been an inhabitant of any other municipality and performed statute labour or paid poll tax under *The Statute Labour Act* elsewhere in Ontario.

Payment
where tax
less than
poll tax.

Rev. Stat.,
c. 272.

3.—(1) Where any person is assessed under *The Assessment Act* in respect of real property in the Town and his taxes are less than the amount of the poll tax, he shall be liable to pay the poll tax only.

Idem.

(2) Where any person is assessed under *The Assessment Act* in respect of real property elsewhere in Ontario than the Town and his taxes are less than the amount of the poll tax, he shall be liable to pay the amount of the difference between the taxes in respect of such real property and the poll tax only.

Payment to
collector by
employer.

4.—(1) Where any inhabitant liable to pay poll tax has been employed either within or outside the Town by the same person for not less than thirty days, such employer, whether within or outside the Town, shall pay over to the collector on demand out of any wages due to such employee the amount of such poll tax, and such payment shall relieve the employer from any liability to the employee for the amount so paid.

Idem.

(2) Where any employer neglects or refuses to pay over on demand the amount of such poll tax under subsection 1 within thirty days of the demand therefor, the Corporation of the Town may recover as a debt the amount so demanded from such employer in any court of competent jurisdiction.

Collection
of poll tax.

5.—(1) Every person liable to pay poll tax shall pay the same to the collector appointed to collect the same within two days after demand therefor by the collector, and in case of neglect or refusal to pay the same, the collector may levy the same by distress and sale of the goods and chattels of the defaulter, with costs of distress, and if no such sufficient distress can be found, the defaulter, for his neglect or refusal to pay the said sum, shall incur a penalty of \$10.

Penalty,—
how recover-
able.
Rev. Stat.,
c. 136.

(2) The penalty imposed by this section shall be recoverable under *The Summary Convictions Act*.

Commence-
ment of Act.

6. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

7. This Act may be cited as *The Town of Timmins Act, 1941*.



BILL

An Act respecting the Town of Timmins.

1st Reading

March 18th, 1941

2nd Reading

3rd Reading

MR. HABEL

(*Reprinted as amended by the Committee on
Private Bills.*)

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act respecting the Town of Timmins.

MR. HABEL

BILL

An Act respecting the Town of Timmins.

Preamble.

WHEREAS the Corporation of the Town of Timmins has by its petition prayed for special legislation in respect of the levying and collection of a poll tax; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpre-
tation,—

1. In this Act,—

"inhabitant";

(a) "inhabitant" shall mean a person who ordinarily resides in a municipality whether or not such person is employed therein; and

"Town."

(b) "Town" shall mean Town of Timmins.

Poll tax.

2. The council of the Corporation of the Town may pass by-laws levying and collecting an annual tax to be known as "poll tax" of not more than \$10 from every male inhabitant who,—

(a) has been an inhabitant for the period of thirty days immediately prior to the date upon which the poll tax is levied;

(b) is twenty-one years or over and under sixty years of age;

Rev. Stat.,
c. 274.

(c) is not exempt from performing statute labour under *The Statute Labour Act*;

(d) is not otherwise assessed in the Town, or who is assessed and whose taxes are less than the poll tax; and

(e) has not filed with the clerk a certificate of an official of any other municipality showing in respect of the year for which the poll tax is levied that he is assessed

under *The Assessment Act* elsewhere in Ontario or that he has not been an inhabitant of any other municipality and performed statute labour or paid poll tax under *The Statute Labour Act* elsewhere in Ontario.

Rev. Stat.,
c. 272;
c. 274.

3.—(1) Where any person is assessed under *The Assessment Act* in respect of real property in the Town and his taxes are less than the amount of the poll tax, he shall be liable to pay the poll tax only.

Payment where tax less than poll tax.

Rev. Stat.,
c. 272.

(2) Where any person is assessed under *The Assessment Act* in respect of real property elsewhere in Ontario than the Town and his taxes are less than the amount of the poll tax, he shall be liable to pay the amount of the difference between the taxes in respect of such real property and the poll tax only.

Idem.

4.—(1) Where any inhabitant liable to pay poll tax has been employed either within or outside the Town by the same person for not less than thirty days, such employer, whether within or outside the Town, shall pay over to the collector on demand out of any wages due to such employee the amount of such poll tax, and such payment shall relieve the employer from any liability to the employee for the amount so paid.

Payment to collector by employer.

(2) Where any employer neglects or refuses to pay over on demand the amount of such poll tax under subsection 1 within thirty days of the demand therefor, the Corporation of the Town may recover as a debt the amount so demanded from such employer in any court of competent jurisdiction.

Idem.

5.—(1) Every person liable to pay poll tax shall pay the same to the collector appointed to collect the same within two days after demand therefor by the collector, and in case of neglect or refusal to pay the same, the collector may levy the same by distress and sale of the goods and chattels of the defaulter, with costs of distress, and if no such sufficient distress can be found, the defaulter, for his neglect or refusal to pay the said sum, shall incur a penalty of \$10.

Collection of poll tax.

(2) The penalty imposed by this section shall be recoverable under *The Summary Convictions Act*.

Penalty,—how recoverable.
Rev. Stat.,
c. 136.

6. This Act shall come into force on the day upon which it receives the Royal Assent.

Commencement of Act.

7. This Act may be cited as *The Town of Timmins Act, 1941*.

Short title.

BILL

An Act respecting the Town of Timmins.

1st Reading

March 18th, 1941

2nd Reading

March 31st, 1941

3rd Reading

April 7th, 1941

MR. HABEL

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act respecting the County of Waterloo and the Cities of Kitchener
and Galt.

MR. SMITH

(PRIVATE BILL)

BILL

An Act respecting the County of Waterloo and the Cities of Kitchener and Galt.

Preamble.

WHEREAS the Corporation of the County of Waterloo has by its petition prayed for special legislation validating certain agreements in respect of the House of Refuge for the County of Waterloo and in respect of other matters relating to such agreements, and whereas it is expedient to grant the prayer of the said petition,

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

City of
Kitchener
agreement
amended.

1.—(1) Paragraph 19 of the agreement set out as Schedule A hereto is amended by striking out the words "Ontario Municipal Board" in the eighth line and inserting in lieu thereof the words "Judge of the County Court of the County of Waterloo", and by striking out the word "Board" in the ninth line and inserting in lieu thereof the word "Judge", so that the said paragraph shall now read as follows:

19. If at any time during the term of this Agreement any dispute, difference or question shall arise between the parties hereto touching any of the matters covered by this Agreement or the construction, meaning or effect of these presents, or anything herein contained, or the rights or liabilities of the parties hereto under these presents or otherwise in relation to the premises, then every such dispute, difference or question shall be referred to the Judge of the County Court of the County of Waterloo for determination and the award or determination of the said Judge shall be final and binding upon the parties hereto.

City of Galt
agreement
amended.

(2) Paragraph 17 of the agreement set out as Schedule B hereto is amended by striking out the words "Ontario Municipal Board" in the eighth line and inserting in lieu thereof the words "Judge of the County Court of the County of Waterloo", and by striking out the word "Board" in the ninth line and inserting in lieu thereof the word "Judge", so that the said paragraph shall now read as follows:

17. If at any time during the term of this Agreement any dispute, difference or question shall arise between the parties hereto touching any of the matters covered by this Agreement or the construction, meaning or effect of these presents, or anything herein contained, or the rights or liabilities of the parties hereto under these presents or otherwise in relation to the premises, then every such dispute, difference or question shall be referred to the Judge of the County Court of the County of Waterloo for determination and the award or determination of the said Judge shall be final and binding upon the parties hereto.

City of
Kitchener
agreement
validated.

2. The agreement dated the 26th day of December, 1940, between the Corporation of the County of Waterloo and the Corporation of the City of Kitchener, set out as Schedule A hereto, as amended by this Act, is hereby confirmed and declared to be legal, valid and binding.

City of Galt
agreement
validated.

3. The agreement dated the 1st day of February, 1941, between the Corporation of the County of Waterloo and the Corporation of the City of Galt, set out as Schedule B hereto, as amended by this Act, is hereby confirmed and declared to be legal, valid and binding.

Powers of
Municipal
Board to
determine
disputes.

4. The Ontario Municipal Board is hereby authorized and empowered to hear and determine any matter referred to the said Board under paragraphs 14 and 16 of the agreement set out as Schedule A hereto and paragraphs 12 and 14 of the agreement set out as Schedule B hereto.

Power to
commit.

5. The head of every municipality within the County of Waterloo and the Warden of the said County are and each of them is hereby authorized and empowered to commit to the House of Refuge for the County of Waterloo the persons mentioned in paragraph 18 of the agreement set forth as Schedule A hereto and in paragraph 16 of the agreement set forth as Schedule B hereto.

1915, c. 51,
s. 9, re-
pealed.

6. Section 9 of the Act passed in the fifth year of the reign of His late Majesty King George V, entitled *An Act to incorporate the City of Galt*, is repealed.

Short title.

7. This Act may be cited as *The County of Waterloo Act, 1941*.

SCHEDULE A

THIS AGREEMENT made in quadruplicate this twenty-sixth day of December, in the year of our Lord one thousand nine hundred and forty.

BETWEEN:

THE CORPORATION OF THE COUNTY OF WATERLOO,

Hereinafter called the County,

OF THE FIRST PART

—and—

THE CORPORATION OF THE CITY OF KITCHENER,

Hereinafter called the City,

OF THE SECOND PART.

WHEREAS the term of five years mentioned in the present agreement between the parties hereto bearing date the first day of September, 1932, has expired, and the parties hereto have been operating on such agreement but now deem it desirable and expedient that a new agreement should be entered into between the County and the City as to what portion of the debts of the County should be paid by the City and as to the period of payment, and also as to the various matters hereinafter set forth as specified.

NOW THEREFORE this Agreement witnesseth and the parties hereto severally and respectively for themselves and their successors Covenant and Agree with each other as follows, that is to say:

1. THAT the City shall pay to the County each year for certain purposes, as hereinafter mentioned, on the basis of population, that is to say, in the proportion which the population of the City bears to the combined population of all the Municipalities now in the County, including the Cities of Galt and Kitchener as returned by the assessors of that year.

2. THAT the City shall pay to the County on the basis of population as hereinbefore defined, a proportion of all the charges and expenses from time to time incurred in erecting, improving, enlarging, repairing and maintaining the Court House, Gaol, Registry Office, and House of Refuge of the County, its lands and other buildings, and of the proper lighting, cleaning, and accommodation, fuel, light, stationery and furniture for the Gaol and Courts of Justice, other than the Division Courts, and for the library of the Law Association of the County, and of providing proper offices, together with fuel, light, stationery and furniture for offices connected with such Courts, where the same are required to be provided by the County Council, and all other charges relating to the Administration of Justice, payable by the County in the first instance, except constables' fees and disbursements and charges connected with Coroners' inquests and such other charges as the Counties are entitled to be repaid by the Province, provided that no capital expenditure is made without the consent of the municipalities interested; provided however that when the City consents to the budget of the Board of Management of the House of Refuge as hereinafter mentioned, such consent shall be deemed to be a consent to capital expenditures mentioned therein relating to the House of Refuge within the meaning of this paragraph.

3. THAT the City shall pay to the County each year on the basis of population, as hereinbefore defined, a proportion of all charges and expenses connected with the maintenance of the prisoners in the County Gaol.

4. THAT the City shall pay to the County each year on the basis of population as hereinbefore defined, a proportion of the net cost of maintenance of inmates of the House of Refuge, that is to say, a proportion of the amount actually expended on account of such maintenance of inmates.

5. THAT the City shall pay for the maintenance of the boys and girls resident in and committed from the City at Industrial Schools.

6. THAT the City shall pay \$800.00 per year towards the salary of the County Treasurer.

7. THAT the City shall pay \$150.00 per annum for the use of the County buildings for Division Court purposes.

8. THAT the County shall continue to pay its proportion of any debentures issued for the cost of local improvements on which payments have heretofore been made by the County to the City and also pay to the City sixty per cent. of the cost of future local improvements around the Court House, Gaol, Registry Office and House of Refuge, but no Local Improvements shall be undertaken without first receiving the written consent of the Warden and Treasurer on behalf of the County. The amount so to be paid is not to be considered as part of the maintenance of the County Property.

9. THAT the County shall pay \$100.00 per annum for disposal of sewage from the Court House and House of Refuge and \$30.00 per annum for disposal of garbage from the Court House and Gaol, these payments to be considered as part of the maintenance account.

10. THAT the City shall be entitled, for its own use, to the proportion of the Registrar's fees and emoluments payable to it under The Registry Act, but the City shall pay to the County for such services and new books as may be required for the City, as provided by the said Act.

11. THAT the City shall pay to the County each year on the basis of population as hereinbefore defined a proportion of the interest and exchange incurred on notes and overdrafts on such accounts as refer to the matters included in this Agreement.

12. THAT in case of the sale of any part of the House of Refuge property, the proceeds shall be placed to the credit of the House of Refuge capital account and be applied for House of Refuge capital expenditure only.

13. THAT the City shall retain its interest in the House of Refuge.

14. THAT the Board of Management hereinafter referred to shall in each year on or before the 31st day of December prepare a budget setting out in detail the estimated revenues and expenditures for the following year and shall submit the same to the Clerks of the Councils of the County, the City of Kitchener and the City of Galt not later than the 15th day of January following. Failing any objections being raised by the Council of any of such three municipalities and filed with the Secretary of the Board of Management on or before the 31st day of January following, such budget shall be deemed to be approved. In the event of any such Councils raising and filing any objection to such budget to which the Board of Management is unwilling to agree, the matter or matters in dispute shall be referred to the Ontario Municipal Board whose decision thereon shall be final and binding upon the three municipalities and the Board of Management. For the year 1941 the budget above mentioned shall be submitted to the Clerks of the Councils of the County and the Cities of Kitchener and Galt not later than the 15th day of February, 1941, and objections thereto shall be filed with the Secretary of the Board of Management on or before the first day of March, 1941.

15. THAT the House of Refuge, its lands and buildings, shall be maintained jointly by the County, the City of Kitchener, and the City of Galt, and shall be governed and managed by a Board of Management consisting of five members and being composed of the following:

1. The Warden of the County.
2. The Mayor of the City of Kitchener.
3. The Mayor of the City of Galt.
4. One member of the County Council of the County of Waterloo appointed by the County Council.
5. A fifth member who shall be a member of the County Council of the County of Waterloo selected by the unanimous vote of the four members of the Board of Management above mentioned; in the event that such four members are unable to agree to such fifth member by the 31st day of January in any year, such fifth member shall be appointed from within the membership of the County Council of the County of Waterloo for such year by the Minister of Public Welfare of the Province of Ontario, or in the event of there being no such Minister, then by the Minister at the relevant time holding the portfolio relating to municipal affairs.

The said Board of Management shall have the full management, regulation and control of the House of Refuge, its lands and other buildings.

16. If the said Board of Management should be desirous of or find it necessary to incur any expenditure not provided for in the annual budget, it shall before committing itself to the making of such expenditure, obtain the consent and permission in writing of the Councils of the County, the City of Kitchener, and the City of Galt, and if any such Councils refuse or are unwilling to give such consent and permission, and the Board of Management is unwilling to waive such expenditure, the matter or matters in dispute shall be referred to the Ontario Municipal Board whose decision thereon shall be final and binding upon the said three municipalities and the Board of Management.

17. An annual audit of the books and records of the House of Refuge shall be made by the County Auditors and a copy of their statement and report shall be delivered to the County and Cities forthwith after the completion of such statement and report and either of the parties hereto shall be entitled, at its own expense, to make its own audit of the books and records of the House of Refuge and verify the said auditors' statement and report.

18. The Mayor of the City of Kitchener, the Mayor of the City of Galt, the Warden of the County of Waterloo and the head of the Council of each Municipality forming part of the County of Waterloo, may, subject to the rules and regulations passed by the Board of Management of the House of Refuge, commit to such House of Refuge from their respective Municipalities:

- (a) Poor and indigent persons who are incapable of supporting themselves.
- (b) Persons without the means of maintaining themselves and able to work, who do not do so.
- (c) Feeble minded persons not fit for commitment to an institution under The Mental Hospitals Act but for whom special custodial care is necessary.

and a warrant of committal under the hands of either of the said Mayors or Warden or the head of the Council of any Municipality forming part of the said County and the seal of the Corporation shall be sufficient authority to the Superintendent of such House of Refuge to receive and detain the person mentioned in it until he is discharged under the rules and regulations of the said House of Refuge or the order of the Inspector appointed under The Department of Public Welfare Act.

19. If at any time during the term of this Agreement any dispute, difference or question shall arise between the parties hereto touching any of the matters covered by this Agreement or the construction, meaning

or effect of these presents, or anything herein contained, or the rights or liabilities of the parties hereto under these presents or otherwise in relation to the premises, then every such dispute, difference or question shall be referred to the Ontario Municipal Board for determination and the award or determination of the said Board shall be final and binding upon the parties hereto.

20. THE parties hereto agree that if it is deemed advisable and expedient they will consent to the passage of a special act by the legislature of the Province of Ontario approving and ratifying the terms of this agreement and/or repealing any special act of the said legislature inconsistent herewith.

21. THE PROVISIONS of this Agreement shall come into force on the first day of January, 1941, and shall continue for a period of five years until the first day of January, 1946, and thereafter from year to year until terminated by Order-in-Council as provided by section 399 of The Municipal Act, R.S.O. 1937, chapter 266, and any such Order-in-Council may apply to the whole or any part or parts of this Agreement.

IN WITNESS WHEREOF the said parties hereto have hereunto affixed their respective Corporate Seals on the day and year first above written, under the hands of the duly authorized officers thereof.

SIGNED, SEALED AND DELIVERED

In the presence of:

City of Kitchener Seal

County of Waterloo Seal

JOE MEINZINGER,
Mayor.

C. G. LIPPS,
Clerk.

W. H. SHAW,
Warden.

SAMUEL CASSEL,
Clerk.

SCHEDULE B

THIS AGREEMENT made in quadruplicate this first day of February, in the year of our Lord one thousand nine hundred and forty-one.

BETWEEN:

THE CORPORATION OF THE COUNTY OF WATERLOO,
Hereinafter called the County,

OF THE FIRST PART,

—and—

THE CORPORATION OF THE CITY OF GALT,
Hereinafter called the City,

OF THE SECOND PART.

WHEREAS the parties hereto are desirous of cancelling the present agreement between them bearing date the 19th day of May, 1939, and now deem it desirable and expedient that a new agreement replacing the said agreement so cancelled should be entered into between the County and the City as to what portion of the debts of the County should be paid by the City and as to the period of payment, and also as to the various matters hereinafter set forth as specified.

NOW THEREFORE this Agreement witnesseth and the parties hereto severally and respectively for themselves and their successors Covenant and Agree with each other as follows, that is to say:

1. THAT the City shall pay to the County each year for certain purposes, as hereinafter mentioned, on the basis of population, that is to say, in the proportion which the population of the City bears to the combined population of all the Municipalities now in the County, including the Cities of Galt and Kitchener as returned by the assessors of that year.

2. THAT the City shall pay to the County on the basis of population as hereinbefore defined, a proportion of all the charges and expenses from time to time incurred in erecting, improving, enlarging, repairing and maintaining the Court House, Gaol, Registry Office and House of Refuge of the County, its lands and other buildings, and of the proper lighting, cleaning and accommodation, fuel, light, stationery and furniture for the Gaol and Courts of Justice, other than the Division Courts, and for the Library of the Law Association of the County, and of providing proper offices, together with fuel, light, stationery and furniture for offices connected with such Courts, where the same are required to be provided by the County Council, and all other charges relating to the Administration of Justice, payable by the County in the first instance, except constables' fees and disbursements and charges connected with Coroners' inquests and such other charges as the Counties are entitled to be repaid by the Province, provided that no capital expenditure is made without the consent of the municipalities interested; provided however that when the City consents to the budget of the Board of Management of the House of Refuge as hereinafter mentioned, such consent shall be deemed to be a consent to capital expenditure mentioned therein relating to the House of Refuge within the meaning of this paragraph.

3. THAT the City shall pay to the County each year on the basis of population, as hereinbefore defined, a proportion of all charges and expenses connected with the maintenance of the prisoners in the County Gaol.

4. THAT the City shall pay to the County each year on the basis of population, as hereinbefore defined, a proportion of the net cost of maintenance of inmates of the House of Refuge, that is to say, a proportion of the amount actually expended on account of such maintenance of inmates.

5. THAT the City shall pay for the maintenance of the boys and girls resident in and committed from the City at Industrial Schools.

6. THAT the City shall pay \$400.00 per year towards the salary of the County Treasurer.

7. THAT the cost of local improvements around the Court House, Galt, House of Refuge and Registry Office shall be considered as part of the cost of maintenance of County property.

8. THAT the City shall be entitled, for its own use, to the proportion of the Registrar's fees and emoluments payable to it under The Registry Act, but the City shall pay to the County for such services and new books as may be required for the City, as provided by the said Act.

9. THAT the City shall pay to the County each year on the basis of population, as hereinbefore defined, a proportion of the interest and exchange incurred on notes and overdrafts on such accounts as refer to the matters included in this Agreement.

10. THAT in case of the sale of any part of the House of Refuge property, the proceeds shall be placed to the credit of the House of Refuge capital account and be applied for House of Refuge capital expenditure only.

11. THAT the City shall retain its interest in the House of Refuge.

12. THAT the Board of Management hereinafter referred to shall in each year on or before the 31st day of December prepare a budget setting out in detail the estimated revenues and expenditures for the following year and shall submit the same to the Clerks of the Councils of the County, the City of Kitchener, and the City of Galt not later than the 15th day of January following. Failing any objections being raised by the Council of any of such three municipalities and filed with the Secretary of the Board of Management on or before the 31st day of January following, such budget shall be deemed to be approved. In the event of any such Councils raising and filing any objection to such budget to which the Board of Management is unwilling to agree the matter or matters in dispute shall be referred to the Ontario Municipal Board, whose decision thereon shall be final and binding upon the three municipalities and the Board of Management. For the year 1941 the budget above mentioned shall be submitted to the Clerks of the Councils of the County and the Cities of Kitchener and Galt not later than the 15th day of February, 1941, and objections thereto shall be filed with the Secretary of the Board of Management on or before the first day of March, 1941.

13. THAT the House of Refuge, its lands and buildings, shall be maintained jointly by the County, the City of Kitchener, and the City of Galt, and shall be governed and managed by a Board of Management consisting of five members and being composed of the following:

1. The Warden of the County.
2. The Mayor of the City of Kitchener.
3. The Mayor of the City of Galt.
4. One member of the County Council of the County of Waterloo appointed by the County Council.
5. A fifth member who shall be a member of the County Council of the County of Waterloo selected by the unanimous vote of the four members of the Board of Management above mentioned; in the event that such four members are unable to agree to such fifth member by the 31st day of January in any year, such fifth member shall be appointed from within the membership of the County Council of the County of Waterloo for such year by the Minister of Public Welfare of the Province of Ontario, or in the event of there being no such Minister, then by the Minister at the relevant time holding the portfolio relating to municipal affairs.

The said Board of Management shall have the full management, regulation and control of the House of Refuge, its lands and other buildings.

14. IF the said Board of Management should be desirous of or find it necessary to incur any expenditure not provided for in the annual budget, it shall, before committing itself to the making of such expenditure, obtain the consent and permission in writing of the Councils of the County, the City of Kitchener, and the City of Galt, and if any such Councils refuse or are unwilling to give such consent and permission, and the Board of Management is unwilling to waive such expenditure, the matter or matters in dispute shall be referred to the Ontario Municipal Board whose decision thereon shall be final and binding upon the said three municipalities and the Board of Management.

15. An annual audit of the books and records of the House of Refuge shall be made by the County Auditors and a copy of their statement and report shall be delivered to the County and Cities forthwith after the completion of such statement and report and either of the parties hereto shall be entitled, at its own expense, to make its own audit of the books and records of the House of Refuge and verify the said auditors' statement and report.

16. THE Mayor of the City of Kitchener, the Mayor of the City of Galt, the Warden of the County of Waterloo and the head of the Council of each Municipality forming part of the County of Waterloo, may, subject to the rules and regulations passed by the Board of Management of the House of Refuge, commit to such House of Refuge from their respective Municipalities:

- (a) Poor and indigent persons who are incapable of supporting themselves.
- (b) Persons without the means of maintaining themselves and able to work who do not do so.
- (c) Feeble minded persons not fit for commitment to an institution under The Mental Hospitals Act but for whom special custodial care is necessary.

and a warrant of committal under the hands of either of the said Mayors or Warden or the head of the Council of any Municipality forming part of the said County and the seal of the Corporation shall be sufficient authority to the Superintendent of such House of Refuge to receive and detain the person mentioned in it until he is discharged under the rules and regulations of the said House of Refuge or the order of the Inspector appointed under The Department of Public Welfare Act.

17. IF at any time during the term of this Agreement any dispute, difference or question shall arise between the parties hereto touching any of the matters covered by this Agreement or the construction, meaning or effect of these presents, or anything herein contained, or the rights or liabilities of the parties hereto under these presents or otherwise in relation to the premises, then every such dispute, difference or question shall be referred to the Ontario Municipal Board for determination and the award or determination of the said Board shall be final and binding upon the parties hereto.

18. THE parties hereto agree that if it is deemed advisable and expedient they will consent to the passage of a special act by the legislature of the Province of Ontario approving and ratifying the terms of this agreement and/or repealing any special act of the said legislature inconsistent herewith.

19. THE PROVISIONS of this Agreement shall come into force on the first day of January, 1941, and shall continue for a period of five years until the first day of January, 1946, and thereafter from year to year until terminated by Order-in-Council as provided by section 399 of The Municipal Act, R.S.O. 1937, chapter 266, and any such Order-in-Council may apply to the whole or any part or parts of this Agreement.

-20. THE present Agreement between the parties hereto bearing date the 19th day of May, 1939, shall be cancelled and terminated as of the 1st day of January, 1941, and from that date henceforth shall be replaced by the provisions hereinbefore contained.

IN WITNESS WHEREOF the said parties hereto have hereunto affixed their respective Corporate Seals on the day and year first above written under the hands of the duly authorized officers thereof.

SIGNED, SEALED AND DELIVERED

In the presence of:

City of Galt Seal

County of Waterloo Seal

WILLIAM S. MCKAY,

Mayor.

JOSEPH MCCARTNEY,

Clerk.

W. H. SHAW,

Warden.

SAMUEL CASSEL,

Clerk.

An Act respecting the County of Waterloo
and the Cities of Kitchener and Galt.

1st Reading

2nd Reading

3rd Reading

MR. SMITH

(*Private Bill*)

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act respecting the County of Waterloo and the Cities of Kitchener
and Galt.

MR. SMITH

No. 23

1941

BILL

An Act respecting the County of Waterloo and the
Cities of Kitchener and Galt.

Preamble.

WHEREAS the Corporation of the County of Waterloo has by its petition prayed for special legislation validating certain agreements in respect of the House of Refuge for the County of Waterloo and in respect of other matters relating to such agreements, and whereas it is expedient to grant the prayer of the said petition,

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

City of
Kitchener
agreement
amended.

1.—(1) Paragraph 19 of the agreement set out as Schedule A hereto is amended by striking out the words "Ontario Municipal Board" in the eighth line and inserting in lieu thereof the words "Judge of the County Court of the County of Waterloo", and by striking out the word "Board" in the ninth line and inserting in lieu thereof the word "Judge", so that the said paragraph shall now read as follows:

19. If at any time during the term of this Agreement any dispute, difference or question shall arise between the parties hereto touching any of the matters covered by this Agreement or the construction, meaning or effect of these presents, or anything herein contained, or the rights or liabilities of the parties hereto under these presents or otherwise in relation to the premises, then every such dispute, difference or question shall be referred to the Judge of the County Court of the County of Waterloo for determination and the award or determination of the said Judge shall be final and binding upon the parties hereto.

City of Galt
agreement
amended.

(2) Paragraph 17 of the agreement set out as Schedule B hereto is amended by striking out the words "Ontario Municipal Board" in the eighth line and inserting in lieu thereof the words "Judge of the County Court of the County of Waterloo", and by striking out the word "Board" in the ninth line and inserting in lieu thereof the word "Judge", so that the said paragraph shall now read as follows:

17. If at any time during the term of this Agreement any dispute, difference or question shall arise between the parties hereto touching any of the matters covered by this Agreement or the construction, meaning or effect of these presents, or anything herein contained, or the rights or liabilities of the parties hereto under these presents or otherwise in relation to the premises, then every such dispute, difference or question shall be referred to the Judge of the County Court of the County of Waterloo for determination and the award or determination of the said Judge shall be final and binding upon the parties hereto.

2. The agreement dated the 26th day of December, 1940, between the Corporation of the County of Waterloo and the Corporation of the City of Kitchener, set out as Schedule A hereto, as amended by this Act, is hereby confirmed and declared to be legal, valid and binding. City of Kitchener agreement validated.

3. The agreement dated the 1st day of February, 1941, between the Corporation of the County of Waterloo and the Corporation of the City of Galt, set out as Schedule B hereto, as amended by this Act, is hereby confirmed and declared to be legal, valid and binding. City of Galt agreement validated.

4. The Ontario Municipal Board is hereby authorized and empowered to hear and determine any matter referred to the said Board under paragraphs 14 and 16 of the agreement set out as Schedule A hereto and paragraphs 12 and 14 of the agreement set out as Schedule B hereto. Powers of Municipal Board to determine disputes.

5. The head of every municipality within the County of Waterloo and the Warden of the said County are and each of them is hereby authorized and empowered to commit to the House of Refuge for the County of Waterloo the persons mentioned in paragraph 18 of the agreement set forth as Schedule A hereto and in paragraph 16 of the agreement set forth as Schedule B hereto. Power to commit.

6. Section 9 of the Act passed in the fifth year of the reign of His late Majesty King George V, entitled *An Act to incorporate the City of Galt*, is repealed. 1915, c. 51. s. 9, repealed.

7. This Act may be cited as *The County of Waterloo Act*, 1941. Short title.

SCHEDULE A

THIS AGREEMENT made in quadruplicate this twenty-sixth day of December, in the year of our Lord one thousand nine hundred and forty.

BETWEEN:

THE CORPORATION OF THE COUNTY OF WATERLOO,

Hereinafter called the County,

OF THE FIRST PART

—and—

THE CORPORATION OF THE CITY OF KITCHENER,

Hereinafter called the City,

OF THE SECOND PART.

WHEREAS the term of five years mentioned in the present agreement between the parties hereto bearing date the first day of September, 1932, has expired, and the parties hereto have been operating on such agreement but now deem it desirable and expedient that a new agreement should be entered into between the County and the City as to what portion of the debts of the County should be paid by the City and as to the period of payment, and also as to the various matters hereinafter set forth as specified.

NOW THEREFORE this Agreement witnesseth and the parties hereto severally and respectively for themselves and their successors Covenant and Agree with each other as follows, that is to say:

1. THAT the City shall pay to the County each year for certain purposes, as hereinafter mentioned, on the basis of population, that is to say, in the proportion which the population of the City bears to the combined population of all the Municipalities now in the County, including the Cities of Galt and Kitchener as returned by the assessors of that year.

2. THAT the City shall pay to the County on the basis of population as hereinbefore defined, a proportion of all the charges and expenses from time to time incurred in erecting, improving, enlarging, repairing and maintaining the Court House, Gaol, Registry Office, and House of Refuge of the County, its lands and other buildings, and of the proper lighting, cleaning, and accommodation, fuel, light, stationery and furniture for the Gaol and Courts of Justice, other than the Division Courts, and for the library of the Law Association of the County, and of providing proper offices, together with fuel, light, stationery and furniture for offices connected with such Courts, where the same are required to be provided by the County Council, and all other charges relating to the Administration of Justice, payable by the County in the first instance, except constables' fees and disbursements and charges connected with Coroners' inquests and such other charges as the Counties are entitled to be repaid by the Province, provided that no capital expenditure is made without the consent of the municipalities interested; provided however that when the City consents to the budget of the Board of Management of the House of Refuge as hereinafter mentioned, such consent shall be deemed to be a consent to capital expenditures mentioned therein relating to the House of Refuge within the meaning of this paragraph.

3. THAT the City shall pay to the County each year on the basis of population, as hereinbefore defined, a proportion of all charges and expenses connected with the maintenance of the prisoners in the County Gaol.

4. THAT the City shall pay to the County each year on the basis of population as hereinbefore defined, a proportion of the net cost of maintenance of inmates of the House of Refuge, that is to say, a proportion of the amount actually expended on account of such maintenance of inmates.

5. THAT the City shall pay for the maintenance of the boys and girls resident in and committed from the City at Industrial Schools.

6. THAT the City shall pay \$800.00 per year towards the salary of the County Treasurer.

7. THAT the City shall pay \$150.00 per annum for the use of the County buildings for Division Court purposes.

8. THAT the County shall continue to pay its proportion of any debentures issued for the cost of local improvements on which payments have heretofore been made by the County to the City and also pay to the City sixty per cent. of the cost of future local improvements around the Court House, Gaol, Registry Office and House of Refuge, but no Local Improvements shall be undertaken without first receiving the written consent of the Warden and Treasurer on behalf of the County. The amount so to be paid is not to be considered as part of the maintenance of the County Property.

9. THAT the County shall pay \$100.00 per annum for disposal of sewage from the Court House and House of Refuge and \$30.00 per annum for disposal of garbage from the Court House and Gaol, these payments to be considered as part of the maintenance account.

10. THAT the City shall be entitled, for its own use, to the proportion of the Registrar's fees and emoluments payable to it under The Registry Act, but the City shall pay to the County for such services and new books as may be required for the City, as provided by the said Act.

11. THAT the City shall pay to the County each year on the basis of population as hereinbefore defined a proportion of the interest and exchange incurred on notes and overdrafts on such accounts as refer to the matters included in this Agreement.

12. THAT in case of the sale of any part of the House of Refuge property, the proceeds shall be placed to the credit of the House of Refuge capital account and be applied for House of Refuge capital expenditure only.

13. THAT the City shall retain its interest in the House of Refuge.

14. THAT the Board of Management hereinafter referred to shall in each year on or before the 31st day of December prepare a budget setting out in detail the estimated revenues and expenditures for the following year and shall submit the same to the Clerks of the Councils of the County, the City of Kitchener and the City of Galt not later than the 15th day of January following. Failing any objections being raised by the Council of any of such three municipalities and filed with the Secretary of the Board of Management on or before the 31st day of January following, such budget shall be deemed to be approved. In the event of any such Councils raising and filing any objection to such budget to which the Board of Management is unwilling to agree, the matter or matters in dispute shall be referred to the Ontario Municipal Board whose decision thereon shall be final and binding upon the three municipalities and the Board of Management. For the year 1941 the budget above mentioned shall be submitted to the Clerks of the Councils of the County and the Cities of Kitchener and Galt not later than the 15th day of February, 1941, and objections thereto shall be filed with the Secretary of the Board of Management on or before the first day of March, 1941.

15. THAT the House of Refuge, its lands and buildings, shall be maintained jointly by the County, the City of Kitchener, and the City of Galt, and shall be governed and managed by a Board of Management consisting of five members and being composed of the following:

1. The Warden of the County.
2. The Mayor of the City of Kitchener.
3. The Mayor of the City of Galt.
4. One member of the County Council of the County of Waterloo appointed by the County Council.
5. A fifth member who shall be a member of the County Council of the County of Waterloo selected by the unanimous vote of the four members of the Board of Management above mentioned; in the event that such four members are unable to agree to such fifth member by the 31st day of January in any year, such fifth member shall be appointed from within the membership of the County Council of the County of Waterloo for such year by the Minister of Public Welfare of the Province of Ontario, or in the event of there being no such Minister, then by the Minister at the relevant time holding the portfolio relating to municipal affairs.

The said Board of Management shall have the full management, regulation and control of the House of Refuge, its lands and other buildings.

16. If the said Board of Management should be desirous of or find it necessary to incur any expenditure not provided for in the annual budget, it shall before committing itself to the making of such expenditure, obtain the consent and permission in writing of the Councils of the County, the City of Kitchener, and the City of Galt, and if any such Councils refuse or are unwilling to give such consent and permission, and the Board of Management is unwilling to waive such expenditure, the matter or matters in dispute shall be referred to the Ontario Municipal Board whose decision thereon shall be final and binding upon the said three municipalities and the Board of Management.

17. An annual audit of the books and records of the House of Refuge shall be made by the County Auditors and a copy of their statement and report shall be delivered to the County and Cities forthwith after the completion of such statement and report and either of the parties hereto shall be entitled, at its own expense, to make its own audit of the books and records of the House of Refuge and verify the said auditors' statement and report.

18. THE Mayor of the City of Kitchener, the Mayor of the City of Galt, the Warden of the County of Waterloo and the head of the Council of each Municipality forming part of the County of Waterloo, may, subject to the rules and regulations passed by the Board of Management of the House of Refuge, commit to such House of Refuge from their respective Municipalities:

- (a) Poor and indigent persons who are incapable of supporting themselves.
- (b) Persons without the means of maintaining themselves and able to work, who do not do so.
- (c) Feeble minded persons not fit for commitment to an institution under The Mental Hospitals Act but for whom special custodial care is necessary.

and a warrant of committal under the hands of either of the said Mayors or Warden or the head of the Council of any Municipality forming part of the said County and the seal of the Corporation shall be sufficient authority to the Superintendent of such House of Refuge to receive and detain the person mentioned in it until he is discharged under the rules and regulations of the said House of Refuge or the order of the Inspector appointed under The Department of Public Welfare Act.

19. IF at any time during the term of this Agreement any dispute, difference or question shall arise between the parties hereto touching any of the matters covered by this Agreement or the construction, meaning

or effect of these presents, or anything herein contained, or the rights or liabilities of the parties hereto under these presents or otherwise in relation to the premises, then every such dispute, difference or question shall be referred to the Ontario Municipal Board for determination and the award or determination of the said Board shall be final and binding upon the parties hereto.

20. THE parties hereto agree that if it is deemed advisable and expedient they will consent to the passage of a special act by the legislature of the Province of Ontario approving and ratifying the terms of this agreement and/or repealing any special act of the said legislature inconsistent herewith.

21. THE PROVISIONS of this Agreement shall come into force on the first day of January, 1941, and shall continue for a period of five years until the first day of January, 1946, and thereafter from year to year until terminated by Order-in-Council as provided by section 399 of The Municipal Act, R.S.O. 1937, chapter 266, and any such Order-in-Council may apply to the whole or any part or parts of this Agreement.

IN WITNESS WHEREOF the said parties hereto have hereunto affixed their respective Corporate Seals on the day and year first above written, under the hands of the duly authorized officers thereof.

SIGNED, SEALED AND DELIVERED

In the presence of:

City of Kitchener Seal

County of Waterloo Seal

JOE MEINZINGER,

Mayor.

C. G. LIPPS,

Clerk.

W. H. SHAW,

Warden.

SAMUEL CASSEL,

Clerk.

SCHEDULE B

THIS AGREEMENT made in quadruplicate this first day of February, in the year of our Lord one thousand nine hundred and forty-one.

BETWEEN:

THE CORPORATION OF THE COUNTY OF WATERLOO,
Hereinafter called the County,

OF THE FIRST PART,

—and—

THE CORPORATION OF THE CITY OF GALT,
Hereinafter called the City,

OF THE SECOND PART.

WHEREAS the parties hereto are desirous of cancelling the present agreement between them bearing date the 19th day of May, 1939, and now deem it desirable and expedient that a new agreement replacing the said agreement so cancelled should be entered into between the County and the City as to what portion of the debts of the County should be paid by the City and as to the period of payment, and also as to the various matters hereinafter set forth as specified.

NOW THEREFORE this Agreement witnesseth and the parties hereto severally and respectively for themselves and their successors Covenant and Agree with each other as follows, that is to say:

1. THAT the City shall pay to the County each year for certain purposes, as hereinafter mentioned, on the basis of population, that is to say, in the proportion which the population of the City bears to the combined population of all the Municipalities now in the County, including the Cities of Galt and Kitchener as returned by the assessors of that year.
2. THAT the City shall pay to the County on the basis of population as hereinbefore defined, a proportion of all the charges and expenses from time to time incurred in erecting, improving, enlarging, repairing and maintaining the Court House, Gaol, Registry Office and House of Refuge of the County, its lands and other buildings, and of the proper lighting, cleaning and accommodation, fuel, light, stationery and furniture for the Gaol and Courts of Justice, other than the Division Courts, and for the Library of the Law Association of the County, and of providing proper offices, together with fuel, light, stationery and furniture for offices connected with such Courts, where the same are required to be provided by the County Council, and all other charges relating to the Administration of Justice, payable by the County in the first instance, except constables' fees and disbursements and charges connected with Coroners' inquests and such other charges as the Counties are entitled to be repaid by the Province, provided that no capital expenditure is made without the consent of the municipalities interested; provided however that when the City consents to the budget of the Board of Management of the House of Refuge as hereinafter mentioned, such consent shall be deemed to be a consent to capital expenditure mentioned therein relating to the House of Refuge within the meaning of this paragraph.
3. THAT the City shall pay to the County each year on the basis of population, as hereinbefore defined, a proportion of all charges and expenses connected with the maintenance of the prisoners in the County Gaol.
4. THAT the City shall pay to the County each year on the basis of population, as hereinbefore defined, a proportion of the net cost of maintenance of inmates of the House of Refuge, that is to say, a proportion of the amount actually expended on account of such maintenance of inmates.

5. THAT the City shall pay for the maintenance of the boys and girls resident in and committed from the City at Industrial Schools.

6. THAT the City shall pay \$400.00 per year towards the salary of the County Treasurer.

7. THAT the cost of local improvements around the Court House, Gaol, House of Refuge, and Registry Office shall be considered as part of the cost of maintenance of County property.

8. THAT the City shall be entitled, for its own use, to the proportion of the Registrar's fees and emoluments payable to it under The Registry Act, but the City shall pay to the County for such services and new books as may be required for the City, as provided by the said Act.

9. THAT the City shall pay to the County each year on the basis of population, as hereinbefore defined, a proportion of the interest and exchange incurred on notes and overdrafts on such accounts as refer to the matters included in this Agreement.

10. THAT in case of the sale of any part of the House of Refuge property, the proceeds shall be placed to the credit of the House of Refuge capital account and be applied for House of Refuge capital expenditure only.

11. THAT the City shall retain its interest in the House of Refuge.

12. THAT the Board of Management hereinafter referred to shall in each year on or before the 31st day of December prepare a budget setting out in detail the estimated revenues and expenditures for the following year and shall submit the same to the Clerks of the Councils of the County, the City of Kitchener, and the City of Galt not later than the 15th day of January following. Failing any objections being raised by the Council of any of such three municipalities and filed with the Secretary of the Board of Management on or before the 31st day of January following, such budget shall be deemed to be approved. In the event of any such Councils raising and filing any objection to such budget to which the Board of Management is unwilling to agree the matter or matters in dispute shall be referred to the Ontario Municipal Board, whose decision thereon shall be final and binding upon the three municipalities and the Board of Management. For the year 1941 the budget above mentioned shall be submitted to the Clerks of the Councils of the County and the Cities of Kitchener and Galt not later than the 15th day of February, 1941, and objections thereto shall be filed with the Secretary of the Board of Management on or before the first day of March, 1941.

13. THAT the House of Refuge, its lands and buildings, shall be maintained jointly by the County, the City of Kitchener, and the City of Galt, and shall be governed and managed by a Board of Management consisting of five members and being composed of the following:

1. The Warden of the County.
2. The Mayor of the City of Kitchener.
3. The Mayor of the City of Galt.
4. One member of the County Council of the County of Waterloo appointed by the County Council.
5. A fifth member who shall be a member of the County Council of the County of Waterloo selected by the unanimous vote of the four members of the Board of Management above mentioned; in the event that such four members are unable to agree to such fifth member by the 31st day of January in any year, such fifth member shall be appointed from within the membership of the County Council of the County of Waterloo for such year by the Minister of Public Welfare of the Province of Ontario, or in the event of there being no such Minister, then by the Minister at the relevant time holding the portfolio relating to municipal affairs.

The said Board of Management shall have the full management, regulation and control of the House of Refuge, its lands and other buildings.

14. IF the said Board of Management should be desirous of or find it necessary to incur any expenditure not provided for in the annual budget, it shall, before committing itself to the making of such expenditure, obtain the consent and permission in writing of the Councils of the County, the City of Kitchener, and the City of Galt, and if any such Councils refuse or are unwilling to give such consent and permission, and the Board of Management is unwilling to waive such expenditure, the matter or matters in dispute shall be referred to the Ontario Municipal Board whose decision thereon shall be final and binding upon the said three municipalities and the Board of Management.

15. An annual audit of the books and records of the House of Refuge shall be made by the County Auditors and a copy of their statement and report shall be delivered to the County and Cities forthwith after the completion of such statement and report and either of the parties hereto shall be entitled, at its own expense, to make its own audit of the books and records of the House of Refuge and verify the said auditors' statement and report.

16. THE Mayor of the City of Kitchener, the Mayor of the City of Galt, the Warden of the County of Waterloo and the head of the Council of each Municipality forming part of the County of Waterloo, may, subject to the rules and regulations passed by the Board of Management of the House of Refuge, commit to such House of Refuge from their respective Municipalities:

- (a) Poor and indigent persons who are incapable of supporting themselves.
- (b) Persons without the means of maintaining themselves and able to work who do not do so.
- (c) Feeble minded persons not fit for commitment to an institution under The Mental Hospitals Act but for whom special custodial care is necessary.

and a warrant of committal under the hands of either of the said Mayors or Warden or the head of the Council of any Municipality forming part of the said County and the seal of the Corporation shall be sufficient authority to the Superintendent of such House of Refuge to receive and detain the person mentioned in it until he is discharged under the rules and regulations of the said House of Refuge or the order of the Inspector appointed under The Department of Public Welfare Act.

17. IF at any time during the term of this Agreement any dispute, difference or question shall arise between the parties hereto touching any of the matters covered by this Agreement or the construction, meaning or effect of these presents, or anything herein contained, or the rights or liabilities of the parties hereto under these presents or otherwise in relation to the premises, then every such dispute, difference or question shall be referred to the Ontario Municipal Board for determination and the award or determination of the said Board shall be final and binding upon the parties hereto.

18. THE parties hereto agree that if it is deemed advisable and expedient they will consent to the passage of a special act by the legislature of the Province of Ontario approving and ratifying the terms of this agreement and/or repealing any special act of the said legislature inconsistent herewith.

19. THE PROVISIONS of this Agreement shall come into force on the first day of January, 1941, and shall continue for a period of five years until the first day of January, 1946, and thereafter from year to year until terminated by Order-in-Council as provided by section 399 of The Municipal Act, R.S.O. 1937, chapter 266, and any such Order-in-Council may apply to the whole or any part or parts of this Agreement.

20. THE present Agreement between the parties hereto bearing date the 19th day of May, 1939, shall be cancelled and terminated as of the 1st day of January, 1941, and from that date henceforth shall be replaced by the provisions hereinbefore contained.

IN WITNESS WHEREOF the said parties hereto have hereunto affixed their respective Corporate Seals on the day and year first above written under the hands of the duly authorized officers thereof.

SIGNED, SEALED AND DELIVERED

In the presence of:

City of Galt Seal

County of Waterloo Seal

WILLIAM S. MCKAY,

Mayor.

JOSEPH MCCARTNEY,

Clerk.

W. H. SHAW,

Warden.

SAMUEL CASSEL,

Clerk.

An Act respecting the County of Waterloo
and the Cities of Kitchener and Galt.

1st Reading

March 18th, 1941

2nd Reading

March 28th, 1941

3rd Reading

April 1st, 1941

MR. SMITH

No. 24

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act respecting the Royal Botanical Gardens.

MR. NEWLANDS

PRIVATE BILL

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the Royal Botanical Gardens.

Preamble.

1932, c. 106. **W**HEREAS the Board of Park Management of the City of Hamilton has by its petition represented that it administers certain lands as public parks and that portions of such lands are otherwise known as the Royal Botanical Gardens; and that the said Board entered into an agreement dated the 11th day of February, 1931, with McMaster University relating to portions of its said lands which agreement was validated by *The McMaster University Act, 1932*; and that pursuant to the said agreement an agreement dated the 14th day of December, 1931, for a general scheme of building and landscape improvement and planting was prepared and subsequently deposited in the registry office for the registry division of the County of Wentworth as number 11683; and that the assent to the use of the word "Royal" in connection with the said Botanical Gardens was granted in the year 1930; and that it is desirable that the said Royal Botanical Gardens be administered by a separate board duly incorporated for such purpose; and whereas the petitioners have prayed for special legislation to effect such purpose; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Board of the
Royal
Botanical
Gardens in-
corporated.

1. The Board of the Royal Botanical Gardens as hereinafter constituted is hereby declared to be a body corporate and politic under the name "Board of the Royal Botanical Gardens", hereinafter called the "Board", to administer the affairs of the Royal Botanical Gardens.

Constitution
of Board.

2. The Board shall consist of ten members as follows:

- (a) three members of and nominated by the Board of Park Management of the City of Hamilton;
- (b) three persons not being members of the council of the City of Hamilton, who shall be nominated by the said council and who shall serve for three years;

- (c) one person nominated by the Lieutenant-Governor in Council, who shall serve during the pleasure of the Lieutenant-Governor in Council;
- (d) the Minister of Agriculture for the Province of Ontario for the time being;
- (e) the Mayor of the City of Hamilton for the time being;
- (f) the Chancellor of McMaster University for the time being.

(2) Any vacancy occurring in class *a* or in class *b* for the unexpired term shall be filled by the said Board of Park Management or the said council, as the case may be. Vacancies.

3. The Board shall have power to and may,—

Powers of Board.

- (a) establish and maintain upon its property parks, museums, zoological or other gardens, natural history collections, observatories, art galleries, monuments and works of art, and do all acts and things usually incident to the purposes of botanical gardens and do all acts and things which the Board may consider desirable for the purposes of the establishment, maintenance, development and extension of the Royal Botanical Gardens;
- (b) receive, acquire and hold such lands in the City of Hamilton and in the Townships of Ancaster, Beverley, Barton, West Flamboro, East Flamboro and Saltfleet, as it may consider advisable in the development of the Royal Botanical Gardens;
- (c) take by purchase, devise, bequest, grant, conveyance or gift any real or personal property for the purposes of its undertaking;
- (d) set apart such of its property as it may see fit for athletic purposes or for the purpose of sport exhibitions or other lawful amusement and entertainment and to lease the same for such purposes for such times and on such terms as the Board may see fit;
- (e) make such rules and regulations as it may consider necessary for the conduct of its affairs;
- (f) exchange with or give to parks, horticultural societies and similar bodies shrubs, plants and flowers;

- (g) give courses of instruction in forestry, nature study, botany, horticulture, agriculture and all other subjects of study that may be conveniently carried on in connection with the facilities afforded by the Royal Botanical Gardens; promote research in forestry and economic botany and advance the interests of technical and botanical knowledge; encourage the cultivation of trees, shrubs, flowers, fruits, vegetables and other produce; collect information regarding the same and publish such information; import and otherwise procure seeds and plants of new and valuable kinds; offer prizes and grant diplomas and certificates and pursue objects similar to the objects of horticultural societies under *The Horticultural Societies Act*, and general educational interests of the country;
- (h) employ and pay for the services of experts, instructors, apprentices, students and other persons whose services the Board may deem necessary in carrying out the purposes of the Board;
- (i) co-operate with any educational institution or public body for any of the purposes of the Board and exchange with and give to parks, horticultural societies, other botanical gardens and similar institutions or bodies, shrubs, plants and flowers and the products of the Royal Botanical Gardens and sell or otherwise dispose of the same;
- (j) enter into an agreement or agreements with the Board of Park Management of the City of Hamilton, under which the said Board of Park Management will agree to furnish the Board each year with an amount equal to the moneys which it expended in the year 1940 for the maintenance, improvement, development and extension of the lands herein referred to as the Royal Botanical Gardens, and further to furnish and pay to the Board after the retirement of each issue of the debentures assumed by the said Board of Park Management and now outstanding an amount equal to the aggregate of the annual payments for principal and interest in respect of the issue so retired, such payment to be made in the year following each such retirement but so that the amount payable to the Board in any one year in respect of all such debentures as may have been retired from time to time shall not exceed one-quarter of a mill in the dollar upon the assessed value of all rateable real and personal property in the City of Hamilton, unless the Council of the Corporation of the City

of Hamilton shall consent to the payment of an additional amount. The said Board of Park Management is hereby empowered and directed to enter into such agreement or agreements and make all such payments;

- (k) borrow for the purposes of the Board;
- (l) raise by issue of debentures with the approval of the Ontario Municipal Board money required by the Board from time to time in carrying out its objects; such debentures shall be payable within forty years furthest from the date of their issue and shall form a lien and charge upon the lands subject to the control and management of the Board or such part or parts thereof as may be designated in connection with the issue of such debentures, and the Board shall provide a sinking fund for the payment of such debentures;
- (m) pay to the members of the Board actual disbursements for expenses incurred in connection with the work of the Board.

4. The lands described in the Schedule hereto, known as the Royal Botanical Gardens, are hereby vested in the Board subject to the said agreement dated the 11th day of February, 1931, and the said agreement for a general scheme of building and landscape improvement and planting dated the 14th day of December, 1931, prepared pursuant to the said agreement dated the 11th day of February, 1931, and deposited in the registry office for the registry division of the County of Wentworth, as number 11683. Lands
vested in
Board.

5. The Board shall keep in its office all books, maps, plans, papers and documents used in and pertaining to its business and the same shall be open to the inspection of any person designated for that purpose by the Lieutenant-Governor in Council or the Corporation of the City of Hamilton. Inspection
of books.

6. The Board shall keep accounts of its receipts, payments, credits and liabilities and the same shall be audited by auditors appointed by the Board. Accounts
to be kept.

7. Sections 342, 343, 345 to 347 and 349 to 357 of *The Municipal Act* shall be read as part of this Act and shall apply to the Board as if the Board were named therein in place of the Corporation or Municipal Council. Sections of
Rev. Stat.,
c. 266 to
apply.

Powers of
Board of
Park
Management
under
Rev. Stat.,
c. 285
to apply.

8.—(1) The Board shall have, in addition to the powers herein conferred, all the powers and privileges of a Board of Park Management under *The Public Parks Act* so far as not inconsistent with the provisions of this Act, and shall have the benefits conferred upon a Board of Park Management or its lands by *The Public Parks Act* or any other Act.

Rev. Stat.,
c. 285, ss. 18,
19 and 20
to apply.

(2) The provisions of sections 18, 19 and 20 of *The Public Parks Act* shall be read as part of this Act and shall apply to the Board as if the Board were named therein instead of the Board of Park Management.

Short title.

9. This Act may be cited as *The Royal Botanical Gardens Act, 1941*.

SCHEDULE A

PARCEL 1.

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being parts of Lots Nine, Ten, Eleven and Twelve in the First Concession of the Township of East Flamboro in the County of Wentworth, being a portion of the "Valley Farm" Flats and containing one hundred and twenty-two acres more or less as described in the Conveyance thereof from the Trustees of the Will of William Hendrie to George Muir Hendrie bearing date the twenty-fifth day of August, one thousand nine hundred and thirty-one, registered in the Registry Office for the Registry Division of Wentworth as No. 13174.

Subject to the provisos in the said last mentioned deed contained—

1. That the Grantee (The Corporation of the City of Hamilton) will maintain and keep in perpetuity the said lands as a Public Park for the recreation of the Public and for no other purpose, municipal or otherwise.
2. That the said Park shall be known hereafter as "Hendrie Park."
3. That the Grantee will provide a suitable entrance from the Toronto and Hamilton Highway to the southerly portion of the lands hereby conveyed and that it will cut and keep cut the weeds and other wild growth on the said lands and will keep the property in a manner suitable for park purposes.
4. That the provisions of The Public Parks Act of the Province of Ontario and any amendments thereto shall apply to the lands hereby conveyed.

PARCEL 2.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of East Flamboro in the County of Wentworth, in the Province of Ontario, being composed of part of Lot Twelve (12) in the First Concession of the said Township of East Flamboro and which may be more particularly described as follows, that is to say: Commencing at a stone monument planted at the intersection of the division line between the northeasterly and the southwesterly halves of said Lot 12 with the northwesterly limit of the said Toronto-Hamilton Highway (Road Allowance between the Broken Front and First Concession); thence north forty-five degrees, thirty-one minutes and thirty seconds west (N. 45°, 31' 30" W.) along the said division line between the northeasterly and southwesterly halves of said Lot 12, ten feet (10') to a point; thence north forty-three degrees and thirty-two feet east (N. 43°, 32' E.) and parallel with the northwesterly limit of the said Toronto-Hamilton Highway three hundred and ninety-five feet and eight inches (395' 8") to a point in the northeasterly limit of the lands of the Hamilton Parks Board; thence south forty-five degrees, thirty-one minutes and thirty seconds east (S. 45°, 31' 30" E.) along the said northeasterly limit of said Parks Board lands ten feet (10') to the aforesaid northwesterly limit of the Toronto-Hamilton Highway; thence south forty-three degrees and thirty-two minutes west (S. 43°, 32' W.) along the said northwesterly limit of the said Toronto-Hamilton Highway three hundred and ninety-five feet and eight inches (395' 8") to the place of beginning.

PARCEL 3.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of East Flamboro in the County of Wentworth in the Province of Ontario, being composed of part of Lot Number Twelve in the First Concession in the said Township of East Flamboro and which may be more particularly described as follows, that is to say: Commencing at a stone monument planted at the intersection

of the division line between the northeasterly and southwesterly halves of said Lot Number Twelve with the northwesterly limit of the Toronto-Hamilton Highway (road allowance between Broken Front and First Concessions); thence north forty-five degrees thirty-one minutes and thirty seconds west along the said division line between the northeasterly and southwesterly halves of said Lot Number Twelve nine hundred and thirty-seven feet and two inches more or less to a point in the line of a present existing fence marking the southerly limit of the lands now owned by the Board of Park Management for the City of Hamilton; thence following the said present existing fence marking the southerly limit of the said lands of the Board of Park Management for the City of Hamilton the following courses and distances, namely: North forty-seven degrees and forty-eight minutes east one hundred and thirty-five feet and two inches north thirty-three degrees sixteen minutes and thirty seconds west one hundred and sixty-five feet and ten inches north fourteen degrees and thirty-three minutes west, one hundred and eighty-nine feet and ten inches north sixty-eight degrees thirty-one minutes and thirty seconds east one hundred feet and seven inches south twenty-three degrees and fifty-two minutes east sixty-one feet and three inches south forty-four degrees and forty-one minutes east twenty-seven feet south fifty-four degrees and forty-nine minutes and thirty seconds east one hundred and twenty-five feet and four inches south fifty-two degrees and thirty minutes east one hundred and thirty-six feet and south eighty degrees, Forty-nine minutes and thirty seconds east, thirty-six feet and one inch more or less to a stake planted in a line drawn parallel with the aforesaid division line between the northeasterly and southwesterly halves of Lot Number Twelve from a stake planted in the northwesterly limit of the Toronto-Hamilton Highway, which is distant three hundred and ninety-five feet and eight inches measured on a course of north forty-three degrees and thirty-two minutes east along the said northwesterly limit of the said Highway from the place of beginning; thence south forty-five degrees thirty-one minutes and thirty seconds east parallel with the said division line between the northeasterly and southwesterly halves of Lot Number Twelve eight hundred and thirty-one feet and two inches more or less to the aforesaid stake planted in the northwesterly limit of the Toronto-Hamilton Highway; thence south forty-three degrees and thirty-two minutes west along the said northwesterly limit of the said Highway three hundred and ninety-five feet and eight inches to the place of beginning.

The above described parcel of land containing by admeasurement nine and fifty-six one hundredths acres be the same more or less and said parcel being shown outlined in yellow on the plan attached to Deed from Mary Murray Hendrie, *et al*, to The Municipal Corporation of the City of Hamilton dated the 18th day of January, 1932, and registered on 18th February, 1932, as Number 13233, Township of East Flamboro.

PARCEL 4.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of East Flamboro, in the County of Wentworth in the Province of Ontario, being composed of part of the southwesterly half of Lot Number Twelve in the First Concession of the said Township of East Flamboro and which may be more particularly described as follows, that is to say: Commencing at a point in the division line between the southwesterly and northeasterly halves of said Lot Number Twelve where it is intersected by the centre of the Waterdown Creek, said point being distant two thousand one hundred and twenty-three feet measured on a course of north forty-five degrees and thirty-one minutes west along the said division line between the southwesterly and northeasterly halves of said Lot Number Twelve from the northwesterly limit, of the Toronto-Hamilton Highway (King's Highway Number Two) original road allowance between Broken Front and First Concession; thence north forty-five degrees and thirty-one minutes west along the said division line between the southeasterly and northeasterly halves of Lot Number Twelve eight hundred and seventy-three feet more or less to a point in the northeasterly limit of the Snake Road leading from the City of Hamilton to the Village of Waterdown; thence southeasterly and southwesterly following the northeasterly and southeasterly limits of the said Waterdown Road nine hundred and ninety feet more or less to a stake

planted in the division line between lots Numbers Twelve and Thirteen; thence south forty-five degrees and thirty-three minutes east along the said division line between Lots Twelve and Thirteen two hundred and fourteen feet more or less to a point in the centre of the aforesaid Waterdown Creek; thence northeasterly, southeasterly and northeasterly following the centre line of the said Waterdown Creek in all its winding thirteen hundred and sixty feet more or less to the place of beginning.

The above described parcel of land containing by admeasurement six and seven-tenths acres be the same more or less.

The said lands being further shown outlined in red on the plan annexed to Deed from George D. Filman to the Corporation of the City of Hamilton dated the 23rd of January, 1934, and registered on the 26th of January, 1934, as Number 13523, Township of East Flamboro.

PARCEL 5.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of East Flamboro in the County of Wentworth and Province of Ontario, and being Lots Numbers One and Two in a certain Survey of Park Lots made by Thomas Allen Carroll as the same are laid down and numbered in the plan thereof. Containing by admeasurement together 10.75 acres more or less and which said Survey of Park Lots is upon and forms part of Lot Number Thirteen in Concession One of the said Township of East Flamboro.

SAVING AND EXCEPTING—

FIRSTLY: That parcel of land now occupied by The King's Highway and such additional adjoining land necessary to widen the said highway to a width of one hundred feet.

SECONDLY: That certain parcel of land adjoining the Waterdown Road and necessary to widen the said Waterdown Road to a width of sixty-six feet.

PARCEL 6.

All that parcel or tract of land in the City of Hamilton in the County of Wentworth in the Province of Ontario containing by admeasurement one hundred and four acres, be the same more or less, being composed of land and land covered by the waters of Burlington Bay in the Hamilton Harbour and marsh lands therein lying partly within the limits of the City of Hamilton and partly adjacent to the Townships of East and West Flamboro described as follows: Commencing at a concrete monument planted on the westerly shore of the northwesterly arm of Hamilton Harbour distant two hundred and eighty-two feet and six inches measured on a course of north seventy-four degrees and fifty-three minutes east from a point in the westerly limit of York Boulevard as shown on plan of Ordnance Survey registered in the Registry Office for the Registry Division of Wentworth as Plan Number 77, which said point is distant one thousand six hundred and eighty-nine feet and five inches measured on a course of south twenty-one degrees and forty-four minutes east along the said westerly limit of York Boulevard from the stone monument planted in the said limit of the York Boulevard where it is intersected by the division line between Lots Fifty-six and Fifty-seven as shown on the aforesaid plan of the Ordnance Survey; thence north seventy-four degrees and fifty-three minutes east and crossing the northwesterly arm of Hamilton Harbour one thousand seven hundred and seventy feet more or less to a concrete monument planted on the easterly shore of the said northwesterly arm of Hamilton Harbour and being at the southwesterly end of the low-lying land known as Carroll's Point; thence northeasterly, northwesterly and northerly following the easterly shore of the said northwesterly arm of Hamilton Harbour in all its windings to the most northerly extremity of the said northwesterly arm of Hamilton Harbour; thence southerly and following the westerly shore of the said northwesterly arm of Hamilton Harbour in all its windings to the place of beginning as shown with borders outlined in red by Ontario Land Surveyors McKay and McKay, dated August 16th, 1930, of record in the Department of Lands and Forests, a copy of which plan is attached to and forms part of the Letters Patent granted unto the Corporation of the City of Hamilton dated the Seventeenth day of November, 1938.

RESERVING therefrom the right of way of all travelled roads or highways passing across or through said above described parcel SAVING, EXCEPTING and RESERVING the free use, passage and enjoyment of, in over and upon all navigable waters which shall or may hereafter be found on or under, or be flowing through or upon any part of the land hereby granted and reserving also the right of access to the shores of all rivers, streams and lakes, for all vessels, boats and persons.

SUBJECT also to the condition contained in Section 58 of The Public Lands Act requiring that all ores or minerals raised or removed therefrom shall be treated and refined within the Dominion of Canada; and is SUBJECT ALSO to the provisions of Section 59 of The Public Lands Act.

PARCEL 7.

FIRSTLY: All and Singular that certain parcel or tract of marsh lands and land covered by water situated, lying and being in Cootes Paradise, in front of Part of the Gore of the Township of Ancaster and which may be more particularly described as follows, that is to say: Commencing at a point in the division line between the Townships of Barton and Ancaster where it is intersected by the southern bank of Cootes Paradise, the said point being distant seven hundred and sixteen feet measured on a course of north eighteen degrees and four minutes east along the said division line between the Townships of Barton and Ancaster from a concrete monument planted in the southern limit of the unopened road allowance between Concessions One and Two in the said Township of Barton; thence north eighteen degrees and four minutes east along the production northerly of the said division line between the Townships of Barton and Ancaster nineteen hundred feet more or less to a point distant two hundred feet measured southerly at right angles from the centre line of the Desjardins Canal; thence westerly parallel with and distant two hundred feet measured southerly at right angles from the centre line of the said Desjardins Canal four thousand two hundred and twenty-five feet more or less to a point in the production southerly of the division line between Lots Numbers 24 and 25 in the First Concession of the Township of West Flamboro, the said production being the eastern limit of the Water Lot described in the Crown Patent to Peter Desjardins, dated the 18th day of January, A.D. 1826; thence south twelve degrees and forty-four minutes east along the said production of the division line between Lots Numbers 24 and 25 in the First Concession of the Township of West Flamboro and being along the eastern limit of the lands described in the aforesaid Patent twelve hundred and fifty feet more or less to an iron pipe planted at the south-eastern angle of the water lot described in the aforesaid Patent; thence south seventy-six degrees and thirty-nine minutes west following along the southern limit of the water lot described in the aforesaid Patent twenty-four hundred and seventy feet more or less to a concrete monument planted at angle in the said water lot described in the aforesaid Patent; thence south twelve degrees and forty-four minutes east along the eastern limit of the western part of the water lot described in the aforesaid Patent four hundred and thirty-four feet more or less to a concrete monument planted in the northern limit of Dundas Street; thence south seventy-six degrees and thirty-nine minutes west along the said northern limit of Dundas Street fourteen hundred feet more or less to a point in the northwestern bank of Cootes Paradise; thence southwesterly, southerly and easterly and following the northwestern, western and southern bank of Cootes Paradise in all its windings to the place of beginning.

SAVE AND EXCEPTING out of the above described water lot that part of Dundas Street (road allowance between the Townships of Ancaster and West Flamboro) lying within the limits of the above described parcel.

AND ALSO SAVE AND EXCEPTING out of the above described water lot that part of the water lot vested in His Majesty The King, as represented by the Honourable the Minister of Highways for the Province of Ontario, by Order-in-Council dated 23rd August, 1937, which lies within the limits of the above water lot. The above described water lot, exclusive of the above exceptions, contains by admeasurement two hundred and two acres be the same more or less.

SECONDLY: All and Singular that certain parcel or tract of marsh lands and land covered by water lying partly in Cootes Paradise and partly in the original channel between Cootes Paradise and Burlington Bay and lying in front of part of the Ordnance Survey as shown on plan registered in the Registry Office for the Registry Division of Wentworth as Plan Number 77 and now owned by the Corporation of the City of Hamilton and which may be more particularly described as follows, that is to say: Commencing at a point where the production on a course of north eighteen degrees and four minutes east of the division line between the Townships of Barton and Ancaster intersects a line drawn parallel with and distant two hundred feet measured northerly at right angles from the centre line of the Desjardins Canal, the said point being distant three thousand and sixteen feet more or less measured along the aforesaid production of the aforesaid division line between the Townships of Barton and Ancaster from a concrete monument planted in the southern limit of the unopened road allowance between Concessions One and Two in the said Township of Barton; thence north seven degrees west thirteen hundred and sixty feet to a point in the centre of the original channel between Cootes Paradise and Burlington Bay; thence following the centre line of the original channel between Cootes Paradise and Burlington Bay the following courses and distances, namely: North twenty-five degrees east, seventeen hundred feet, north seventeen degrees east eight hundred feet; north seventy-four degrees east, eight hundred and twenty feet more or less to an intersection with the production of the western limit of King's Highway Number Two, the said point being distant two hundred and forty-four feet measured on a course of south three degrees and twenty-two minutes west along the aforesaid production of the western limit of the aforesaid King's Highway Number Two from the southern limit of the unopened road allowance between Concessions One and Two in the Township of West Flamboro; thence north eighty-six degrees east along the centre line of the aforesaid original channel seven hundred and twenty feet more or less to the north-western limit of the right-of-way lands of the Canadian National Railway Company's Main Line from Hamilton to Toronto; thence southwesterly along the said northwestern limit of the said right-of-way lands to the water's edge at high water mark of the southern shore of the aforesaid original channel; thence westerly, southerly and southeasterly and following along the water's edge at high water mark of the southern, eastern and northeastern shores of the said channel and Cootes Paradise, being along the limits of the Ordnance Survey aforesaid to an intersection with the aforesaid line drawn parallel with and distant two hundred feet measured northerly at right angles from the centre line of the Desjardins Canal; thence northwesterly along the said last mentioned line eight hundred and seventy feet more or less to the place of beginning.

SAVE AND EXCEPTING out of the above described parcel—

FIRSTLY: The right-of-way lands of the Canadian National Railway Company's line leading from Hamilton to London.

SECONDLY: The right-of-way lands of the Canadian Pacific Railway Company's line leading from Hamilton to Guelph Junction.

THIRDLY: The old road leading from Hamilton to Guelph. The above described parcel of marsh lands and land covered by water, exclusive of the above exceptions, contains by admeasurement thirty-five acres be the same more or less.

The water lots firstly and secondly above described, being shown outlined in yellow on Plan of Survey by Ontario Land Surveyors MacKay and MacKay, dated August 16th, 1937, of record in the Department of Lands and Forests.

SUBJECT to the right of the Department of Highways of the Province of Ontario to use the whole or any part of the said lands for highway purposes.

SAVING, EXCEPTING AND RESERVING unto us, Our Heirs and Successors, the free use, passage and enjoyment of, in, over and upon all navigable waters which shall or may hereafter be found on or under, or be flowing

through or upon, any part of the land hereby granted, and reserving also the right of access to the shore of all rivers, streams and lakes, for all vessels, boats and persons.

The land hereby granted is subject to the conditions contained in Section 58 of The Public Lands Act, requiring that all ores or minerals raised or removed therefrom shall be treated and refined within the Dominion of Canada; and is subject also to the provisions of Section 59 of The Public Lands Act.

PARCEL 8.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Hamilton in the County of Wentworth in the Province of Ontario, being composed of parts of Lots Numbers Fifty-one, Fifty-two, Fifty-four and Fifty-five, in the Ordnance Property on Burlington Heights in the said City of Hamilton, as shown on Registered Plan No. 77, and which parcel may be more particularly described as follows, that is to say: Commencing at a point distant thirty-three feet westerly at right angles from the centre line of a travelled road known as "Waddell's Road", which said point is distant one hundred and ten feet measured northerly in a straight line from the intersection of the division line between Lots Fifty and Fifty-one with a line drawn parallel with and distant thirty-three feet westerly at right angles from the centre line of the said Waddell's Road; thence westerly and parallel with the said division line between Lots Fifty and Fifty-one a distance of one hundred and eighteen feet more or less to the water's edge of Coote's Paradise, which also marks the westerly limit of said Lot Fifty-one; thence westerly and northerly and following along the said water's edge of Coote's Paradise in all its windings, which also marks the westerly limit of said Lots Fifty-one, Fifty-two and Fifty-five, a distance of one thousand and sixty-six feet more or less to its intersection with the northerly limit of the said Lot Fifty-five; thence southeasterly along the said northerly limit of Lot Fifty-five a distance of thirty-eight feet more or less to its intersection with a line drawn parallel with and distant thirty-three feet westerly at right angles from the centre line of the said Waddell's Road; thence southerly along the said line as drawn parallel with and distant thirty-three feet westerly at right angles from the centre line of the said Waddell's Road, a distance of six hundred and twenty-eight feet and eight inches more or less to the place of beginning.

The above described parcel of land, on which is erected a brick house and frame shed and garage, containing by admeasurement three and sixty-five one hundredths acres, be the same more or less, and being further shown outlined in red on plan attached to Deed from George D. Filman, *et ux*, to The Corporation of the City of Hamilton, dated 22nd of June, 1929, and registered as Number 317364, City of Hamilton.

Together with any right, title or interest or riparian rights of the said George D. Filman in or to any water lots in Hamilton Harbour or Coote's Paradise in front of the said lands.

PARCEL 9.

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in Burlington Heights in the City of Hamilton in the County of Wentworth as shown on plan of Ordnance Survey made by J. Stoughton Dennis, P.L.S., registered in the Registry Office as Plan No. 77.

First. Lot Number Twenty-nine and part of Lot Number Twenty-eight pursuant to Deed made by John Teeple to The Corporation of the City of Hamilton registered in the Registry Office for the Registry Division of Wentworth on the 25th day of February, 1909, as Number 106079.

Second. Lots Number Twenty-one, Twenty-two, Twenty-three, Twenty-four, Twenty-five, Twenty-six and part of Lot Twenty-seven pursuant to Deed made by George H. Kendall, *et al*, Executors of the Estate of Christina Patterson to The Corporation of the City of Hamilton, dated 1st February, 1922, and registered in the said Registry Office on the 8th day of April, 1922, as No. 235181.

Third. Lots Numbers Seventy-seven, Seventy-eight, Seventy-nine, Eighty, Eighty-one and Eighty-two pursuant to Deed from George Cleary to The Corporation of the City of Hamilton, dated 8th March, 1922, and registered in the said Registry Office on the 14th day of March, 1922, as No. 234107.

Fourth. Lots Seventy-four, Seventy-five and Seventy-six pursuant to Deed from Letitia Webb to The Corporation of the City of Hamilton, dated 15th March, 1922, and registered in the said Registry Office on the 15th day of March, 1922, as No. 234187.

Fifth. Lots Fifty-six, Fifty-seven, Fifty-eight, Fifty-nine, Sixty, Sixty-one, Sixty-two pursuant to Deed from Andrew F. Dowie et al, Executors of Charles Armstrong Estate, dated 21st February, 1922, and registered in said Registry Office on the 15th day of March, 1922, as No. 234189.

Sixth. Lots Eighty-five, Eighty-six, Eighty-seven, Eighty-eight, Eighty-nine, Ninety, Ninety-one, Ninety-two, Ninety-three, Ninety-four and Ninety-five pursuant to Deed from The Hamilton Sand and Gravel Company Limited to The Corporation of the City of Hamilton, dated the 4th day of July, 1923, and registered in the said Registry Office on the 5th day of July, 1923, as No. 252383.

Seventh. Part of Lot lettered "E" pursuant to Deed from Eliza Kerr to The Corporation of the City of Hamilton dated the 28th day of November, 1923, and registered in said Registry Office on the 30th day of November, 1923, as No. 258202.

Eighth. Part of Lot lettered "E" pursuant to Deed from Nora Wedge to The Corporation of the City of Hamilton dated 11th day of December, 1923, and registered in said Registry Office on the 24th December, 1923, as No. 259008.

Ninth. Parts of Lots Forty-nine and Fifty pursuant to lease from His Majesty the King, represented by the Honourable The Minister of the Interior, Number 846, File 2808, Lessee, The Corporation of the City of Hamilton, lands Lease, Old Cemetery, Burlington Heights, Lease dated 11th March, 1926, recorded 9th April, 1926.

Tenth. Lots Sixty-three, Sixty-four, Sixty-five, Sixty-six, Sixty-seven, Sixty-eight and Sixty-nine pursuant to Deed from Mary MacPhee to The Corporation of the City of Hamilton dated 9th February, 1923, and registered in the said Registry Office on the 10th of February, 1923, as No. 246566.

Eleventh. Part of Lot lettered "B" pursuant to Deed from T. J. O'Heir to The Corporation of the City of Hamilton dated 25th day of May, 1927, and registered in the Registry Office on the 30th day of May, 1927, as No. 296715.

Twelfth. Part of Lot lettered "B" pursuant to Deed from W. Philip dated 15th June, 1927, and registered in said Registry Office on 4th day of July, 1927, as No. 297850.

Thirteenth. Lots Seventy and Seventy-one pursuant to Deed from Irving H. and Douglas W. Cameron to The Corporation of the City of Hamilton dated 1st day of August, 1927, and registered in said Registry Office on the 25th day of October, 1927, as No. 300935.

Fourteenth. Lots Seventy-two and Seventy-three pursuant to Deed from Mary M. Macalpine, Executrix of Thomas J. Stewart, to The Corporation of the City of Hamilton dated the 1st day of August, 1927, and registered in said Registry Office on the 23rd day of September, 1927, as No. 299952.

Fifteenth. Lots Nine, Ten, Eleven, Twelve, Thirteen, Fourteen, Fifteen, Sixteen, Seventeen, Eighteen, Nineteen and Twenty pursuant to Deed from The Canadian Bank of Commerce (Edward New Lands) to The Corporation of the City of Hamilton dated the 8th day of February,

1928, and registered in the said Registry Office on the 1st day of May, 1928, as No. 305580.

Sixteenth. Part of Lot lettered "E" pursuant to Deed from James McFarland et al (McFarland and Nicol Tobacco Company) to The Corporation of the City of Hamilton dated 30th April, 1928, and registered in said Registry Office on the 26th day of June, 1928, as No. 307476.

Seventeenth. Part of Lot lettered "E" pursuant to Deed from Patrick Crane, Executor of Crane Estate, to The Corporation of the City of Hamilton dated 31st May, 1928, and registered in the said Registry Office on the 9th day of July, 1928, as No. 307880.

Eighteenth. Part of Lot lettered "E" pursuant to Deed from M. Culligan to The Corporation of the City of Hamilton dated 15th day of May, 1928, and registered in said Registry Office on the 16th day of May, 1928, as No. 306136.

Nineteenth. Part of Lot lettered "E" pursuant to Deed from Kate and James Sayers to The Corporation of the City of Hamilton dated the 12th day of June, 1928, and registered in said Registry Office on the 24th day of July, 1928, as No. 308340.

Twentieth. Part of Lot lettered "E" pursuant to Deed from Mary M. Flood to The Corporation of the City of Hamilton dated the 27th day of August, 1928, and registered in the said Registry Office on the 28th day of August, 1928, as No. 309235.

Twenty-first. Part of Lot lettered "E" pursuant to Deed from Patrick Crane et al, Executors of Mary McGrath Estate, to The Corporation of the City dated the 15th day of September, 1928, and registered on the 10th day of January, 1929, as No. 312696.

Twenty-second. Parts of Lots Fifty-one, Fifty-two, Fifty-four and Fifty-five pursuant to Deed from George D. Filman to The Corporation of the City of Hamilton dated 22nd June, 1928, and registered in the said Registry Office on the 28th day of June, 1929, as No. 317364.

Twenty-third. Parts of Lots Numbers Thirty, Thirty-one, Thirty-two, Thirty-three, Thirty-four, Thirty-five, Thirty-six, Thirty-seven, Thirty-eight, Thirty-nine, Forty, Forty-one, Forty-two, Forty-three, Forty-four, Forty-five, Forty-six, Forty-seven, Forty-eight and Lots Numbers Fifty-one, Fifty-two, Fifty-three, Fifty-four and Fifty-five pursuant to Deed from Andrew F. Dowie et al, Executors of Charles Armstrong Estate, to The Corporation of the City of Hamilton and registered in the said Registry Office on the 11th day of March, 1930, as No. 324440.

Twenty-fourth. Parts of Lots Numbers Fifty-three, Fifty-four and Fifty-five pursuant to Quit Claim Deed from George V. Mercer (Old Toll House) dated 19th March, 1930, and registered in said Registry Office on the 20th day of March, 1930, as No. 324716.

Twenty-fifth. Part of Lot No. Eight and Lot No. "D" particularly described and pursuant to Order No. 45462 of The Board of Railway Commissioners for Canada to Lease from The Canadian Pacific Railway Company, City to pay Company \$50 each year on 2nd January—City to pay all Taxes and charges, Order dated 20th September, 1930.

Twenty-sixth. The whole of the lands conveyed by the Hamilton Powder Company to The Toronto, Hamilton and Buffalo Railway Company dated 27th October, 1890, as Number 37690, to Lease from The Toronto, Hamilton & Buffalo Railway Company to The Corporation of the City of Hamilton—City to pay Company \$100 each year in advance on 2nd January—City to pay all taxes and charges—Order dated 19th September, 1930. Also the whole of Parcel "C" of a Crown Grant to the Railway Company of a portion of Coote's Paradise dated 31st October, 1930, containing 0.62 acres.

Twenty-seventh. Lot Number Eighty-three, except 30-foot strip, pursuant to Deed from the South Ontario Pacific Railway Company (C.P.R.)

to The Corporation of the City of Hamilton dated 26th February, 1932, and registered in the said Registry Office on the 26th day of February, 1932, as No. 9305 N.S.

Twenty-eighth. Parts of Lots Thirteen and Fourteen pursuant to Deed from James Guest to The Corporation of the City of Hamilton dated 15th January, 1933, and registered in the Registry Office on the 17th day of January, 1933, as No. 13959 N.S.

Twenty-ninth. Parts of Lots Thirteen and Fourteen pursuant to Deed from The British American Oil Company Limited to The Corporation of the City of Hamilton dated 29th June, 1933, and registered in the said Registry Office on the 30th day of June, 1933, as No. 15850 N.S.

Thirtieth. Part of Lot Thirteen pursuant to Deed from Michael J. Walsh to The Corporation of the City of Hamilton dated 29th June, 1933, and registered in the said Registry Office on the 3rd day of July, 1933, as Number 15902 N.S.

Thirty-first. Parts of Lots Forty-nine and Fifty shown on a plan of subdivision made by T. Holmes Bartley for the Ordnance Admiralty and Railway Lands Branch, dated 9th January, 1925, No. 828 A, which subdivision shows lots numbered from 1 to 10 thereon. This last mentioned parcel to be subject to a Lease being obtained from the Ordnance Admiralty and Railway Lands Branch, Department of the Interior, Ottawa, Canada.

SAVING AND EXCEPTING such portions of said Parcels of land as may be required for Roadway purposes by the City Corporation—

(a) All of said described parcels shall be subject to existing Boat-houses thereon, and the Board shall as soon as it can conveniently be done, remove all sign boards and all buildings not required for park purposes.

(b) Provided they mutually agree, the City and the Board to be at liberty of using any portion of said lands for public parking places or camping grounds or other public uses.

PARCEL 10.

FIRSTLY: All and Singular that certain parcel or tract of land and premises situate, lying and being in the City of Hamilton in the County of Wentworth and being part of Lot Number Twenty-one in the First Concession of the Township of Barton described as follows: Commencing at the northwest corner of Paradise Road and the unopened road allowance called Barton Street; thence northerly along the westerly boundary of said Paradise Road to the water's edge of Coote's Paradise; thence following the water's edge of Coote's Paradise to a point two hundred and eighty-six feet more or less westerly from the said westerly boundary of Paradise Road; thence southerly and parallel with the said westerly boundary of Paradise Road to the northerly boundary of said Barton Street; thence easterly two hundred and eighty-six feet more or less along the said northerly boundary of Barton Street to the point of commencement.

SECONDLY: All and Singular that certain parcel or tract of land and premises situate, lying and being in the City of Hamilton in the County of Wentworth and being composed of part of Lot Number Twenty-one in the Second Concession of the Township of Barton, now in the City of Hamilton, described as follows: Commencing at a point on the northerly boundary of said Township Lot distant four hundred and fifty feet measured westerly from the southwest corner of Paradise Road and Barton Street along the southerly boundary of the unopened road allowance called Barton Street; thence southerly in a straight line one hundred and ninety-three feet six inches to a point four hundred and eighty-one feet from the westerly boundary of said Paradise Road; thence northerly in a straight line one hundred and ninety-one feet to a point in the southerly boundary of said Barton Street distant four hundred and eighty-one feet measured westerly along the southerly boundary of said Barton Street from said corner of Paradise Road and Barton Street; thence easterly along the southerly boundary of said Barton Street thirty-one feet to the place of beginning.

PARCEL 11.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Hamilton in the County of Wentworth in the Province of Ontario, being composed of part of the Gore of the Township of Ancaster, now in the City of Hamilton, and which may be more particularly described as follows, that is to say: Commencing at a stake planted in the production westerly of the northerly limit of Sterling Street as shown on Plan of Survey known as Crescentwood and registered in the Registry Division for Wentworth as Plan Number 652, said stake being distant four hundred and fifty-three feet and five inches measured on a course of north eighty-five degrees and seventeen minutes west along the said production westerly of the said northerly limit of Sterling Street from the southwesterly angle of Parcel "K" as shown on the aforesaid plan of Crescentwood Survey; thence north four degrees and forty-three minutes east, two hundred and forty feet and one inch to a stake planted; thence north twenty degrees and twelve minutes east three hundred and eighty-six feet and one inch to a stake planted; thence north forty-four degrees and thirty-seven minutes east two hundred and twenty feet to a stake planted; thence north twenty degrees and twelve minutes east seven hundred and ninety-eight feet more or less to a stake planted in the southerly limit of the lands now owned by the Parks Board of the City of Hamilton; thence south sixty-nine degrees and forty-eight minutes east along the said southerly limit of the said lands now owned by the Parks Board of the City of Hamilton one hundred and twenty feet to a point in the westerly limit of a proposed sixty-six foot street; thence southerly and following the westerly limit of the said proposed sixty-six foot street the following courses and distances south twenty degrees and twelve minutes west, seven hundred and thirty-one feet to a stake planted at a point of curve; thence on a curve to the right having a radius of two hundred and seventy-five and forty-four one hundredths feet one hundred and thirty-one feet and five inches to a stake planted at a point of curve; thence south forty-seven degrees and thirty-three minutes west ninety-three feet and nine inches to a stake planted at a point of curve; thence on a curve to the left having a radius of three hundred and forty-one and fourty-four one hundredths feet, one hundred and sixty-four feet to a stake planted at a point of curve; thence south twenty degrees and twelve minutes west, one hundred and seventy-six feet to a stake planted at a point of curve; thence on a curve to the left having a radius of seven hundred and twenty-two and two-tenths feet, one hundred and ninety-five feet and four and one-half inches to a stake planted at a point of curve; and thence south four degrees and forty-three minutes west, one hundred and thirty feet more or less to a stake planted in the aforesaid production westerly of the northerly limit of Sterling Street as shown on the aforesaid plan of Crescentwood Survey; thence north eighty-five degrees and seventeen minutes west along the said production westerly of the said northerly limit of Sterling Street one hundred feet to the place of beginning.

The above described parcel of land containing by admeasurement Four and Fourteen one hundredths acres be the same more or less.

PARCEL 12.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Hamilton in the County of Wentworth in the Province of Ontario, being composed of part of the Gore of the Township of Ancaster, now in the City of Hamilton, and which may be more particularly described as follows, that is to say: Commencing at a stake planted in the production westerly of the northerly limit of Sterling Street as shown on Plan of Survey known as Crescentwood and registered in the Registry Division of Wentworth as Plan Number 652, said stake being distant three hundred and fifty-three feet and five inches measured on a course of north eighty-five degrees and seventeen minutes west along the said production westerly of the said northerly limit of Sterling Street from the southwesterly angle of Parcel "K" as shown on the aforesaid plan of Crescentwood Survey; thence southerly and following the westerly limit of a proposed sixty-six foot street the following courses and distances, namely: South four degrees and forty-three minutes west four hundred and thirty-six feet more or less to a concrete monument planted at a point

of curve; thence on a curve to the left having a radius of one thousand three hundred and sixty and five-tenths feet one hundred and sixty-three feet and one inch to a concrete monument planted at a point of curve and thence south two degrees and nine minutes east one hundred and eighty-seven feet and two inches more or less to a concrete monument planted in the northerly limit of King Street as shown on plan of survey known as Elmhurst and registered in Registry Division for Wentworth as Plan Number 664, said concrete monument being planted at the intersection of the said northerly limit of King Street with the production northerly of the westerly limit of Forsyth Avenue as shown on the said plan of Elmhurst Survey; thence south eighty-seven degrees and fifty-one minutes west and following the said northerly limit of King Street as shown on said plan of Elmhurst Survey nine hundred and thirty-seven feet more or less to a point; thence following the northeasterly and easterly limit of the lands of McMaster University on a curve to the right having a radius of three hundred and forty-six and eighteen one hundredths feet, five hundred and sixteen feet and seven inches to a point of curve; thence north six degrees and thirty-nine minutes west, four hundred and seventy-two feet to an iron bar planted; and thence north eighty-seven degrees thirty-seven minutes east one hundred and thirty-eight feet ten inches; thence north four degrees forty-three minutes east one hundred and forty-one feet; thence south eighty-five degrees and seventeen minutes east along the said production of the northerly limit of the said Sterling Street, one thousand two hundred and thirty-four feet more or less to the place of beginning.

The above described parcel of land containing by admeasurement twenty-five and two hundred and fourteen one thousandths acres be the same more or less.

PARCEL 13.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Hamilton in the County of Wentworth in the Province of Ontario, being composed of part of the Gore of the Township of Ancaster, now in the City of Hamilton, and which may be more particularly described as follows, that is to say: Commencing at a point in the southerly limit of King Street as shown on plan of Survey known as Elmhurst and registered in the Registry Division for Wentworth as Plan Number 664, distant three hundred and fifty feet measured on a course of south eighty-seven degrees and fifty-one minutes west along the said southerly limit of King Street from the westerly limit of Forsyth Avenue as shown on the said plan of Elmhurst Survey; thence south two degrees and nine minutes east at right angles to the aforesaid southerly limit of King Street seven hundred and seventy-eight feet and two and one-half inches more or less to a point in the northerly limit of the Hamilton and London Provincial Highway, which point is distant two hundred and seventy-two feet and one and one-half inches measured westerly along the said northerly limit of the said Provincial Highway from the aforesaid westerly limit of Forsyth Avenue as shown on the said plan of Elmhurst Survey; thence south eighty-eight degrees and eleven minutes west along the northerly limit of the aforesaid Provincial Highway four hundred and twenty feet to a point; thence north two degrees and nine minutes west and parallel with the firstly described course seven hundred and seventy-five feet and eight inches more or less to a point in the aforesaid southerly limit of King Street; thence north eighty-seven degrees and fifty-one minutes east along the said southerly limit of King Street Four hundred and twenty feet to the place of beginning.

The above described parcel of land containing by admeasurement seven and four hundred and ninety-one one thousandths acres be the same more or less.

PARCEL 14.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Hamilton in the County of Wentworth and Province of Ontario, being composed of part of the Gore of the Township of Ancaster now in the City of Hamilton: Commencing at the intersection of the southerly limit of King Street with the westerly limit of Forsyth Avenue as shown on the Plan of Survey known as Elmhurst

and registered in the Registry Division for Wentworth as Plan Number 664; thence south eighty-seven degrees and fifty-one minutes west along the southerly limit of King Street three hundred and fifty feet to a point; thence south two degrees and nine minutes east at right angles to the aforesaid southerly limit of King Street twenty feet to a point; thence north eighty-seven degrees and fifty-one minutes east parallel with the aforesaid southerly limit of King Street three hundred and fifty feet to a point in the aforesaid westerly limit of Forsyth Avenue; thence north two degrees and nine minutes east along the westerly limit of Forsyth Avenue twenty feet to the place of beginning.

The above described parcel of land containing by admeasurement one hundred and sixty-one one thousandths acres.

PARCEL 15.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Hamilton in the County of Wentworth in the Province of Ontario, being composed of part of the Gore of the Township of Ancaster, now in the City of Hamilton, and which may be more particularly described as follows, that is to say: Commencing at a point in the southerly limit of King Street as shown on plan of survey known of Elmhurst and registered in the Registry Division for Wentworth as Plan Number 664 distant seven hundred and seventy feet measured on a course of south eighty-seven degrees and fifty-one minutes west along the said southerly limit of King Street from the westerly limit of Forsyth Avenue as shown on said Plan of Elmhurst Survey; thence south two degrees and nine minutes east at right angles to the said southerly limit of King Street twenty feet to a point; thence south eighty-seven degrees and fifty-one minutes west and parallel with the said southerly limit of King Street six hundred and eighty feet and seven inches more or less to a point in the easterly limit of the lands of one Symons; thence north six degrees and thirty-nine minutes west along the said easterly limit of the lands of one Symons twenty feet more or less to a point in the aforesaid southerly limit of King Street as shown on said plan of Elmhurst Survey; thence north eighty-seven degrees and fifty-one minutes east along the said southerly limit of King Street as shown on said plan of Elmhurst survey six hundred and eighty-two feet and three inches more or less to the place of beginning.

The above described parcel of land containing by admeasurement three hundred and thirteen one thousandths acres.

PARCEL 16.

ALL AND SINGULAR those certain parcels or tracts of lands and premises and lands covered by water, situate and being partly in the City of Hamilton and partly in the Township of West Flamboro in the County of Wentworth and Province of Ontario, and being composed of:

FIRSTLY: Part of Lot Number Twenty-one in the First Concession, part of Lot Number Twenty-one in the Second Concession of the Township of Barton and part of the water lot lying in front of said Lot Number Twenty-one in the First Concession originally granted by the Crown to the Corporation of the City of Hamilton by Patent dated the 26th day of December, A.D. 1906; part of the Gore of the Township of Ancaster, all now in the City of Hamilton; parts of Lots Numbers Twenty-four, Twenty-five, Twenty-six and Twenty-seven in the First Concession of the Township of West Flamboro and part of the unopened road allowance between the Townships of Ancaster and West Flamboro known as Dundas Street, more particularly described as follows, that is to say:

Commencing at a concrete monument planted at the intersection of the northerly limit of the unopened road allowance between Concessions One and Two in the Township of Barton with the westerly limit of the road allowance between Lots Numbers Twenty and Twenty-one in the said Township of Barton (Paradise Road), said concrete monument being distant three thousand three hundred and thirty-seven feet and six inches measured on a course of north seventeen degrees and thirty minutes east along the said westerly limit of the road allowance between Lots Numbers Twenty and Twenty-one (Paradise Road) from the northerly limit of

King Street, as laid out and shown on Plan of Survey known as Woodlawn and registered in the Registry Office for the County of Wentworth as Plan No. 634.

Thence north seventy-two degrees and fifty-six minutes west along the northerly limit of the aforesaid unopened road allowance between Concessions One and Two in the said Township of Barton, one thousand two hundred and ninety-eight feet more or less to a point in the division line between the Townships of Barton and Ancaster.

Thence south eighteen degrees and four minutes west along the said division line between the Townships of Barton and Ancaster sixty-six feet to a concrete monument planted at the intersection of the said division line between the Townships of Barton and Ancaster with the southerly limit of the aforesaid unopened road allowance between Concessions One and Two in the Township of Barton;

Thence south seventy-two degrees and fifty-six minutes east along the southerly limit of the said unopened road allowance between Concessions One and Two in the Township of Barton three hundred and one feet to a concrete monument planted.

Thence south five degrees and thirty-four minutes east four hundred and fifty feet to a concrete monument planted.

Thence south eighty-five degrees and fifty-two minutes west five hundred and eleven feet and three inches more or less to a concrete monument planted in the aforesaid division line between the Townships of Barton and Ancaster, said concrete monument being distant six hundred feet measured on a course of south eighteen degrees and four minutes west along the said division line between the Townships of Barton and Ancaster from the southerly limit of the aforesaid unopened road allowance between Concessions One and Two in the Township of Barton.

Thence south eighteen degrees and four minutes west along the said division line between the Townships of Barton and Ancaster, two thousand four hundred and eighty-five feet and six inches more or less to a concrete monument planted at the northeasterly angle of the lands now owned by one Maisey, said concrete monument being distant two hundred and sixty-six feet measured northerly along the said division line between the Townships of Barton and Ancaster from a stone monument planted at the intersection of the said division line between the Townships of Barton and Ancaster with the southerly limit of King Street, as laid out and shown on Plan of Survey known as Paisley Gardens, and registered in the Registry Office for the County of Wentworth as Plan 649.

Thence north seventy-two degrees and fifty six minutes west along the northerly limit of the said lands now owned by the said Maisey, and parallel with the production westerly of the northerly limit of King Street as laid out and shown on Plan of Survey known as Woodlawn and registered in the Registry Office for the County of Wentworth as Plan Number 634, one hundred feet to a concrete monument planted at the north-westerly angle of the said lands now owned by one Maisey.

Thence south eighteen degrees and four minutes west along the westerly limit of the said lands owned by one Maisey and parallel with the aforesaid division line between the Townships of Barton and Ancaster one hundred and eighty-six feet more or less to a concrete monument planted in the aforesaid westerly production of the northerly limit of King Street.

Thence north seventy-two degrees and fifty-six minutes west along the said production westerly of the northerly limit of King Street as laid out and shown on Plan of Survey known as "Woodlawn" and registered in the Registry Office for the County of Wentworth as Plan Number 634, ninety-nine feet and six inches more or less to a concrete monument planted at a point of curve.

Thence on a curve to the left having a radius of five hundred and twenty-eight and four-tenths feet, three hundred and forty feet and four and one-half inches more or less to a concrete monument planted at a point of curve.

Thence south seventy degrees and three minutes west, forty feet and three inches more or less to a concrete monument planted in the production southeasterly of the northeasterly limit of Marion Avenue, as laid out and shown on Plan of Survey known as "Crescentwood" and registered in the Registry Office for the County of Wentworth as Plan No. 652.

Thence north fifteen degrees and thirty-eight minutes west along the said production southeasterly of the northeasterly limit of Marion Avenue and along the said northeasterly limit of Marion Avenue, five hundred and fourteen feet and six inches more or less to a concrete monument planted at the northeasterly angle of "Crescentwood Survey."

Thence following the northerly limit of Glen Road as laid out and shown on said plan of "Crescentwood Survey," the following courses and distances, viz.: South seventy-four degrees and thirty-three minutes west sixty-six feet to a concrete monument planted at a point of curve; on a seven degree and thirty minute curve to the right, five hundred and twenty-one feet and one inch more or less to a concrete monument planted at a point of curve; and north sixty-six degrees and twenty-two minutes west one hundred and forty-six feet and three inches more or less to an iron bar planted in the easterly limit of Lot Number One, as laid out and shown on Plan of Survey known as "Oak Knoll," registered in the Registry Office for the County of Wentworth as Plan No. 680.

Thence north eighteen degrees and thirty-seven minutes east along the easterly limit of said Lot Number One as shown on said Plan of Survey known as "Oak Knoll," fifty-one feet, ten and one-half inches more or less to a concrete monument planted at the northeasterly angle of said Lot Number One.

Thence north forty-seven degrees and forty-seven minutes west along the northeasterly limits of Lots Numbers One and Two in said "Oak Knoll" Survey, one hundred and eight feet and nine and one-half inches more or less to a concrete monument planted.

Thence north sixty-one degrees and four minutes west along the northeasterly limits of Lots Numbers Two, Three, Four and Five in said "Oak Knoll" Survey, three hundred and thirty feet and ten inches more or less to a concrete monument planted at the most northerly angle of said Lot Number Five in said "Oak Knoll" Survey.

Thence north eleven degrees and thirty minutes west, two hundred and twenty-two feet to a concrete monument planted.

Thence north seventy-five degrees and forty-four minutes west five hundred and ninety-two feet to a concrete monument planted at a point of curve.

Thence on a curve to the left having a radius of eighty-four feet one hundred and three feet more or less to a concrete monument planted at a point of curve.

Thence south thirty-four degrees and eight minutes west three hundred and two feet and four inches to a concrete monument planted.

Thence north sixty-nine degrees and forty-eight minutes west, seven hundred and fifty-three feet and ten and one-half inches more or less to a concrete monument planted at a point of curve.

Thence on a curve to the left, having a radius of three hundred and eighty-two feet four hundred and forty-six feet and ten inches more or less to a concrete monument planted at a point of curve.

Thence south forty-two degrees and fifty-eight minutes west, seven hundred and sixty-nine feet and one inch more or less to a concrete monument planted at a point of curve.

Thence on a curve to the left having a radius of seventy-one and sixty-nine one hundredths feet, one hundred and ten feet and eleven inches more or less to a concrete monument planted at a point of curve.

Thence south forty-five degrees and forty minutes east one hundred and thirteen feet to a concrete monument planted.

Thence south one degree and fifty-one minutes west one hundred and eighty-four feet and seven inches to a concrete monument planted.

Thence south forty-five degrees and twenty-six minutes west three hundred and thirteen feet and nine inches more or less to a concrete monument planted at a point of curve.

Thence on a curve to the left having a radius of two hundred and sixty-nine and five-tenths feet, one hundred and ninety-one feet and nine inches more or less to a concrete monument planted at a point of curve.

Thence south four degrees and forty-three minutes west twenty feet to a concrete monument planted.

Thence south seventy-nine degrees and six minutes west one hundred and forty feet and ten inches to a concrete monument planted.

Thence south forty-four degrees and forty-five minutes west sixty-six feet and nine inches to a concrete monument planted.

Thence south eighty-eight degrees and seventeen minutes west sixty feet to a concrete monument planted.

Thence north twenty-one degrees and forty-two minutes west one hundred and three feet to a concrete monument planted.

Thence north seventy-eight degrees and fifty-nine minutes west one hundred and seventy-six feet and four inches to a concrete monument planted.

Thence north twenty-seven degrees and eleven minutes west, two hundred and seventy-six feet and three inches to a concrete monument planted.

Thence north ten degrees and eight minutes east two hundred and seventeen feet and seven inches to a concrete monument planted;

Thence north thirty nine degrees and thirteen minutes west ninety feet to a stake planted.

Thence north fourteen degrees six minutes west one hundred and eighty-two feet ten and three-quarter inches to a stake planted;

Thence north fifty-nine degrees and seven minutes west two hundred and twenty-eight feet and one-half inch to a stake planted.

Thence north thirty-nine degrees thirteen minutes west one hundred and seventy-three feet six inches more or less to a concrete monument planted in the line of the present existing fence marking what was formerly the westerly limit of the lands of the McKittrick Properties Limited, said concrete monument being distant five hundred and sixteen feet and three inches measured on a course of north sixteen degrees and twenty-two minutes east along the line of the said present existing fence from a concrete monument planted in the northeasterly limit of the right-of-way lands of the Toronto, Hamilton & Buffalo Railway Company (formerly the lands of the Hamilton and Dundas Electric Railway).

Thence north sixteen degrees and twenty-two minutes east along the line of the said present existing fence four hundred and thirteen feet and nine inches more or less to a concrete monument planted on the southerly shore of what is known as Cootes Paradise.

Thence easterly and following the said southerly shore of what is known as Coote's Paradise in all its various windings to a concrete monument planted at the intersection of the said southerly shore of Coote's Paradise with the aforesaid Division Line between the Townships of Barton and Ancaster, said concrete monument being distant, six hundred and fifty feet measured on a course of north eighteen degrees and four minutes east along the said Division Line between the Townships of Barton and Ancaster from the aforesaid northerly limit of the unopened road allowance between Concessions One and Two in the Township of Barton.

Thence north eighteen degrees and four minutes east along the production northerly of the aforesaid Division Line between the Townships of Barton and Ancaster, being the westerly limit of the aforesaid water lot originally granted by the Crown to the Corporation of the City of Hamilton by Patent dated the Twenty-sixth day of December, A.D. 1906, eight hundred and fifty-six feet more or less to the northwesterly angle of the water lots granted by the Corporation of the City of Hamilton to Mc-Kittrick Properties Limited by Instrument dated the first day of March, A.D. 1919, and registered in the Registry Office for the County of Wentworth on the Seventeenth day of March, A.D. 1919, as Number 192779.

Thence north sixty-seven degrees and twenty-six minutes east astronomic north sixty-eight degrees and nine minutes east original patent, along the northwesterly limit of said last mentioned water lot, said limit being a line drawn parallel with and distant eleven hundred feet measured southerly at right angles from the southerly limit of the Desjardine's Canal as it now exists through Lots Numbers Twenty-four, Twenty-five and Twenty-six in the Township of West Flamboro, two hundred and seventy feet more or less to an angle on said limit of said last mentioned water lot.

Thence south forty-eight degrees and thirty minutes east astronomic (south forty-eight degrees east original patent) along the northeasterly limit of said last mentioned water lot four hundred and eighty feet more or less to an angle in said limit of said water lot.

Thence south eighteen degrees and thirty minutes east astronomic (south eighteen degrees east original patent) and continuing along the said northeasterly limit of said last mentioned water lot, eleven hundred feet more or less to a point where the southerly shore of Coote's Paradise is intersected by the westerly limit of the aforesaid road allowance between Lots Numbers Twenty and Twenty-one in the Township of Barton (Paradise Road).

Thence south seventeen degrees and thirty minutes west along the said westerly limit of said last mentioned road allowance, six hundred and six feet and six inches more or less to the place of beginning.

SECONDLY being composed of Lot Lettered "A" as laid out and shown on the plan of the ORDNANCE SURVEY made by J. S. Dennis, P.L.S., and registered in the Registry Office for the County of Wentworth as Plan No. 77.

THIRDLY being composed of Lots Numbers One hundred and eighty-nine, One hundred and ninety, One hundred and ninety-one, One hundred and ninety-two and One hundred and ninety-three and parts of Lots Numbers One hundred and eighty-six, One hundred and eighty-seven, One hundred and eighty-eight, One hundred and ninety-four and One hundred and ninety-five and part of Macklin Street, as shown on Plan of Survey made for J. C. Macklin and registered in the Registry Office for the County of Wentworth as Plan No. 115 and which may be more particularly described as follows, that is to say:

Commencing at a stake planted at the intersection of the easterly limit of the road allowance between Lots Numbers Twenty and Twenty-one in the Township of Barton (Paradise Road) with the southerly limit of the unopened road allowance between Concessions One and Two in said Township (Barton Street), said intersection being the northwesterly angle of Lot One hundred and ninety-three in said J. C. Macklin's Survey.

Thence south seventeen degrees and thirty minutes west along the easterly limit of the said road allowance between Lots Numbers Twenty and Twenty-one (Paradise Road) Three hundred and twenty-four feet more or less to a stake planted at the southwesterly angle of Lot Number One hundred and eighty-six in said J. C. Macklin's Survey.

Thence easterly and following the line of a present existing fence the following courses and distances, namely: North eighty-two degrees and fourteen minutes, East eighty-six feet, North eighty-four degrees and thirty-one minutes, East one hundred and ninety-seven feet and seven inches, North eighty-two degrees and twelve minutes, East one hundred and eighty-nine feet and six inches, North seventy-six degrees and forty-one minutes, East one hundred and eight feet and eleven inches and North seventy-one degrees and fifty-two minutes, East one hundred and fourteen feet and nine inches more or less to the water's edge of Coote's Paradise.

Thence northerly along the water's edge of Coote's Paradise six feet more or less to the southerly limit of the unopened road allowance between Concessions One and Two in the Township of Barton (Barton Street).

Thence north seventy-two degrees and thirty minutes west along the said southerly limit of said unopened road allowance six hundred and fourteen feet more or less to the place of beginning.

The above described parcels of land and land covered by water Firstly, Secondly and Thirdly described, containing by admeasurement two hundred and sixty and seventy-three one hundredths acres be the same more or less.

NOTE. The bearings in the above description are referred to the westerly limit of the road allowance between Lots Numbers Twenty and Twenty-one in the Township of Barton (Paradise Road) which is north seventeen degrees and thirty minutes east astronomic.

PARCEL 17.

ALL AND SINGULAR that certain parcel or tract of land, marsh land and land covered by water in what is known as "Coote's Paradise" being composed of parts of Lots Numbers Twenty-three, Twenty-four, Twenty-five, Twenty-six and Twenty-seven in the First Concession of the Township of West Flamboro, part of the Gore of the Township of Ancaster and part of what has been called Dundas Street or a continuation thereof as an unopened roadway lying between the Townships of Ancaster and West Flamboro, in the County of Wentworth in the Province of Ontario, more particularly described as follows, that is to say:

Commencing at a point in the production northerly of the division line between the Townships of Barton and Ancaster, where it is intersected by a line drawn parallel with and distant eleven hundred feet measured southerly at right angles from the southerly bank of the Desjardin's Canal and distant fifteen hundred and eighty-six feet measured on a course of north eighteen degrees and four minutes east along the said production northerly of the division line between the Townships of Barton and Ancaster from a concrete monument planted in said division line at the point where the southerly limit of the road allowance between Concessions One and Two in the Township of Barton (Barton Street) intersects said division line, said point of commencement being also the northwesterly angle of that portion of a certain water lot granted by the Crown to the Corporation of the City of Hamilton on the Twenty-sixth day of December, 1906, conveyed by the Corporation of the City of Hamilton to the McKittrick Properties Limited by Instrument dated the First day of March, 1919, and registered in the Registry Office for the County of Wentworth as Number 192779.

Thence south sixty-seven degrees and twenty-six minutes west along a line drawn parallel with and distant eleven hundred feet measured southerly at right angles from the aforesaid southerly bank of the Desjardin's Canal thirty-seven hundred and forty-five feet more or less to the division line between Lots Numbers Twenty-four and Twenty-five in the First Concession of the Township of West Flamboro, said division line being also the easterly limit of the lands described in a Patent from the Crown to Peter Desjardin dated the Eighteenth day of January, 1826.

Thence south twelve degrees and forty-four minutes east along the said division line between Lots Twenty-four and Twenty-five being the easterly limit of said lands described in said Patent to Peter Desjardin, two hundred and seventy feet more or less to the southerly limit of said lands described in said Patent, said southerly limit of said lands being a line drawn parallel with the northerly limit of Dundas Street or what would be a continuation thereof so as to clear or pass to the north of several small points of land projecting into the marsh.

Thence south seventy-six degrees and thirty-nine minutes west parallel with the northerly limit of Dundas Street or what would be a continuation thereof and along the said southerly limit of the said lands described in the said patent to Peter Desjardin twenty-four hundred and seventy feet more or less to an angle in said limit of said lands.

Thence south twelve degrees and forty-four minutes east parallel with the division line between Lots Numbers Twenty-four and Twenty-five along the easterly limit of the lands described in the said patent to Peter Desjardin four hundred and thirty-four feet more or less to a point in the northerly limit of what has been called Dundas Street, said point being where the northerly limit of said Dundas Street intersects a point of land projecting into the said Marsh.

Thence south seventy-six degrees and thirty-nine minutes west along the northerly limit of what has been called Dundas Street being the southerly limit of the lands described in said patent to Peter Desjardin thirteen hundred feet more or less to a point.

Thence south twelve degrees and forty-four minutes east and parallel with the aforesaid division line between Lots Numbers Twenty-four and Twenty-five, four hundred and seventy-five feet more or less to a point, where the southerly margin of Coote's Paradise marsh is intersected by the present existing fence marking the westerly limit of the lands formerly owned by the McKittrick Properties Limited, said point being distant nine hundred and thirty feet measured on a course of north sixteen degrees and twenty-two minutes east along the line of said present existing fence from the northerly limit of the right of way lands of the Hamilton and Dundas Electric Railway Company.

Thence easterly and following the margin of the marsh lands in Coote's Paradise in all its windings, being the northerly limit of the lands formerly owned by the McKittrick Properties Limited to the aforesaid division line between the Townships of Barton and Ancaster.

Thence north eighteen degrees and four minutes east along the said division line between the Townships of Barton and Ancaster being the westerly limit of the aforesaid water lot granted by the Crown to the Corporation of the City of Hamilton, eight hundred and seventy feet more or less to the place of beginning.

The above described parcel of land containing by admeasurement one hundred and fourteen acres be the same more or less.

PARCEL 18.

FIRSTLY: All and Singular that certain parcel or tract of land and premises situate, lying and being in the City of Hamilton in the County of Wentworth and being composed of part of the Gore of Ancaster, now in the City of Hamilton, more particularly described as follows: Commencing on the northern limit of the Hamilton and London Provincial Highway at a point distant six hundred and ninety-two feet one and one-

half inches measured westerly from the northwest corner of Forsyth Avenue and the said Hamilton and London Provincial Highway; thence north two degrees and nine minutes west seven hundred and fifty-five feet to a point distant twenty feet from the southern limit of King Street; thence westerly parallel to the said southern limit of King Street six hundred and eighty feet and seven inches to the eastern limit of the lands of one Symons; thence southerly in a straight line along the said eastern limit of Symons' lands seven hundred and fifty-five feet and six inches to a point on the northern limit of the Hamilton and London Provincial Highway distant six hundred and twenty-two feet and eighth and one-half inches measured westerly from the point of commencement; thence easterly along the said northerly limit of the Hamilton and London Provincial Highway six hundred and twenty-two feet and eighth and one-half inches to the place of beginning. The said parcel containing 11.28 acres more or less.

SECONDLY: All and Singular that certain parcel or tract of land and premises situate, lying and being in the City of Hamilton in the County of Wentworth and being composed of part of the Gore of Ancaster, now in the City of Hamilton, more particularly described as follows: Commencing at the northwest corner of Forsyth Avenue and the Hamilton and London Provincial Highway; thence westerly along the northern limit of the said Hamilton and London Provincial Highway two hundred and seventy-two feet and one and one-half inches to a point; thence north two degrees and nine minutes west seven hundred and fifty-eight feet two and one-half inches to a point distant twenty feet from the southern limit of King Street; thence easterly parallel with the said southern limit of King Street three hundred and fifty feet to a point on the western limit of Forsyth Avenue; thence in a southerly direction along the western limit of Forsyth Avenue a distance of seven hundred and seventy-six feet one and one-half inches more or less to the place of beginning. The said parcel containing 5.429 acres more or less.

PARCEL 19.

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being:

FIRSTLY: In the Township of West Flamboro in the County of Wentworth aforesaid, containing two hundred and ten acres more or less and being composed of parts of the Marsh in Cote's Paradise in front of Lots Numbers Twenty, Twenty-one, Twenty-two, Twenty-three and Twenty-four in the First Concession of the said Township which may be better known and described as follows: Commencing on the northerly side of Dundas Street at a point thirty chains on a course of north seventy-eight degrees thirty minutes east from where the easterly Bank of Binkley's (or Lottridge's) Creek crosses the said Dundas Street; then north seventy-eight degrees thirty minutes east along the northerly side of Dundas Street to a point of land projecting into the said Marsh. Then north eleven degrees thirty minutes west five chains more or less till a course parallel with Dundas Street will clear or pass to the north of several small points of land projecting into the said Marsh. Then on a course north seventy-eight degrees thirty minutes east forty-five chains more or less to the produced limit between Lots Numbers Twenty-four and Twenty-five, then north eleven degrees thirty minutes west twenty-five chains more or less to the northerly edge of the said Marsh. Then westerly along the northerly edge of the said Marsh to the limit between Lots Numbers Nineteen and Twenty; then south eleven degrees thirty minutes east to within one chain of the Canal. Thence easterly along the northerly boundary of the lands of the Canal Company to a point where a line in a course south eleven degrees thirty minutes east will strike the place of beginning and from thence across the lands of the Canal Company to the place of beginning.

SAVING AND EXCEPTING thereout the lands of the said Canal Company and any parts of the said lands now fenced and enclosed by any other parties and reserving the Britton Bath Osler and James Chequin (and their wives), their heirs and assigns, a strip of land along the north side of the lands of the Canal Company sixty feet wide and extending from the easterly to the westerly boundaries of the lands hereby granted

provided this lastly mentioned reservation shall be void and of no effect in case of non-user by the said Britton Bath Osler and James Chequin, their heirs and assigns, of the said strip for the purpose of a road or for the purpose of constructing a road within two years from the 2nd day of December, 1874, and upon the construction of a road through Coote's Paradise by John Semmins at any time this reservation shall at once cease and terminate.

SECONDLY: In the said Township of West Flamboro containing sixty-eight acres more or less being composed of the marsh in Coote's Paradise in front of Lots Twenty, Twenty-one, Twenty-two, Twenty-three and Twenty-four in the First Concession of said Township and being part of a parcel of land of two hundred and seventy-five acres described in a certain deed from one Britton Bath Osler and wife to George Brown, deceased, dated the 11th day of November, 1881, and registered as Number 3671 in Book for the said Township; which said parcel of sixty-eight acres may also be described as the same is described in a Plan and Survey made by Thomas S. Bell for Hiram David Binkley as follows: Commencing on the northerly side of Dundas Street produced at a point where the easterly bank of Binkley's (or Lottridges') Creek formerly crossed the said Dundas Street produced; thence along the northerly side of Dundas Street produced on a course of north eighty-one degrees fourteen minutes east nineteen hundred and eighty feet; thence north ten degrees west thirteen hundred and fifty-eight feet to within thirty-three feet of the Desjardins Canal; thence westerly parallel with the Canal thirty-two hundred feet to the board fence of David Watson's easterly boundary line, thence following the board fence south seven degrees east two hundred and fourteen feet; thence north seventy-five degrees east nine feet; thence north twenty-four degrees east one hundred feet; thence north forty-two degrees east eighty-eight feet; thence south seventy-nine degrees east one hundred feet; thence south fifty-one and one-half degrees east one hundred feet; thence south forty-one and one-half degrees east one hundred and forty-one feet, thence south thirty-six degrees east two hundred and twenty-four feet; thence south forty-nine degrees east forty-two feet; thence south eighty-two and one-half degrees east one hundred and twenty-nine feet; thence north eighty-one degrees east eighty-six feet; thence north forty-seven and one-half degrees east two hundred and sixty-four feet; thence north seventy-one degrees east forty-four feet; thence south seventy-eight and one-half degrees east forty-seven feet; thence south thirty degrees east one hundred and fourteen feet; thence south twenty degrees east two hundred and eighty-four feet to the northerly side of Dundas Street produced; thence following the northerly side of Dundas Street produced on a course of north eighty-one degrees fourteen minutes east ninety-one feet to the place of commencement.

THIRDLY: In the said Township of Ancaster, being composed of a part of the Gore in the First Concession of said Township and may be more particularly described by metes and bounds as follows, that is to say: commencing at a point where the Cold Spring Creek formerly joined the Morden Creek; thence south seventy-seven degrees thirty minutes east; twenty links to the original bank of said Morden Creek, thence north eight degrees thirty minutes east along the bank of Morden Creek three chains and eighty links, thence south seventy-three degrees thirty minutes east eleven chains and fifty links, thence south four degrees thirty minutes east four chains and forty links; thence south fifty-two degrees fifteen minutes east two chains and eighty-eight links; thence north seventy-five degrees east one chain sixty links; thence north sixty-eight degrees east two chains and forty-five links; thence north eighty degrees forty-five minutes east one chain and fifteen links; thence north fifty-three degrees east two chains and ninety-five links; thence north twenty-three degrees forty-five minutes east six chains; thence south eighty-three degrees thirty minutes east one chain and ninety-five links; thence south four degrees thirty minutes east two chains and thirty links to the foot of the hill; thence south eighteen degrees west to the east side of the Hamilton and Dundas Railway property now owned by the Toronto, Hamilton and Buffalo Railway; thence in a northwesterly direction along the east side of said Hamilton and Dundas Railway property now Toronto, Hamilton and Buffalo Railway to the place of beginning.

AND TOGETHER with all the right, title and interest of the said Hiram D. Binkley, now deceased, and of His Majesty the King as represented by the Minister of Highways for the Province of Ontario in, to or out of that part of the marsh in Coote's Paradise in front of the said Gore of Ancaster and in front of said Lots Numbers Twenty, Twenty-one, Twenty-two, Twenty-three and Twenty-four lying north, northeast and east of the lands of the Toronto, Hamilton and Buffalo Railway.

SAVING AND EXCEPTING thereout and therefrom—

FIRSTLY: All that portion of Lot Twenty, Concession One in the Township of West Flamboro in the County of Wentworth in the Province of Ontario, having an area of 2.430 acres, more or less, shown coloured yellow on Plan of Survey P. 1640-5 transferred to The Hydro Electric Power Commission of Ontario, and more particularly described as follows: commencing at a cut cross in the northerly limit of Desjardines Canal lands distant 2946 feet and 30 one hundredths of a foot measured northeasterly along the said northerly limit from the easterly limit of East Street; thence north 17 degrees and 51 minutes west along the site of a wire fence 175 feet and 2 tenths of a foot to a Standard Iron Bar; thence north 17 degrees and 6 minutes east along the site of a wire fence 510 feet and 6 tenths of a foot to an Iron Pipe; thence north 47 degrees and 10 minutes east along the line of a wire fence 79 feet and 1 tenth of a foot; thence south 3 degrees 20 minutes and 33 seconds, east 651.87 feet more or less to the northerly limit of the aforesaid Desjardines Canal lands; thence southwesterly along the last mentioned limit 200.93 feet more or less to the point of commencement.

PARCEL 20.

FIRSTLY: In the Township of Ancaster in the County of Wentworth being composed of a part of the Gore in the First Concession of the said Township having an area of 0.588 acres, transferred to McMaster University and more particularly described as follows: commencing at a point in the northwesterly limit of the lands of McMaster University according to an instrument registered in the Registry Office for the said County as No. 318511, being the following courses and distances from the intersection of the easterly limit of the right-of-way lands of the Toronto, Hamilton and Buffalo Railway Co. and the northerly limit of the King's Highway (known as the Hamilton and Dundas Provincial Highway) as shown on a plan deposited in the said Registry Office as No. 24 Miscellaneous; northerly along the said easterly limit of the right-of-way lands of the Toronto, Hamilton and Buffalo Railway Co. 1640 feet more or less to the northwesterly angle of the lands of the Department of Highways as shown on a plan deposited in the said Registry Office as No. 160 Miscellaneous; continuing northerly and northwesterly along the said easterly and northeasterly limits of the right-of-way lands of the Toronto, Hamilton and Buffalo Railway Co. 924 feet more or less to the said northwesterly limit of the lands of McMaster University; north $16^{\circ} 35' 30''$ east along the said northwesterly limit 277.5 feet to the said point of commencement; thence continuing along the said northwesterly limit north $16^{\circ} 35' 30''$ east 238.48 feet to the northeasterly limit of the lands of said University; thence north $38^{\circ} 59' 30''$ west 114.12 feet; thence south $51^{\circ} 00' 30''$ west 115.6 feet; thence south $20^{\circ} 56' 30''$ east 261.8 feet to the point of commencement. All of which is coloured yellow in Plan of Survey P. 1411-2.

RESERVING thereout and therefrom any part of the above described parcels which is now or may be at any time hereafter required by the Department of Highways.

PARCEL 21.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being All Those Portions of Block 77 in the Town of Dundas as shown on a map of the Registry Office prepared according to the directions of the Municipality of the Town of Dundas dated June 13th, 1887, formerly in Lot Eighteen, Concession One, in the Township of West Flamboro in the County of Wentworth in the Province of Ontario having an area of 5.484 (exclusive of exceptions) acres more or less, as shown coloured yellow on the Plan of Survey P-1640-12, and more particu-

larly described as follows: commencing where a Department of Highways monument is planted at the intersection of the eastern limit of the lands of James Alfred Norton, according to registered Deed No. 13456, (Dundas) and the northern limit of the lands of the Toronto Hamilton and Buffalo Railway Company according to registered Deed No. 14773 (Dundas) said Department of Highways Monument being the following courses from the intersection of the eastern limit of East Street and the northern limit of Dundas Street (the road allowance between the Townships of West Flamboro and Ancaster) in the said Town of Dundas, north $76^{\circ} 55'$ east along the said northern limit of Dundas Street 1337.17 feet and north $19^{\circ} 51'$ west 18.00 feet; thence along the said eastern limit of the lands of James Alfred Norton north $19^{\circ} 51'$ west 497.20 feet to a Department of Highways Monument planted in the southern limit of the lands formerly belonging to the Desjardins Canal Company (now said to belong to the Town of Dundas) the last said Department of Highways Monument being at the northwestern angle of the lands of the Department of Highways according to registered Deed No. 15549 (Dundas); thence along the last said southern limit the following courses:

South $68^{\circ} 00' 30''$ west 560.30 feet to a Department of Highways Monument and south $64^{\circ} 57' 30''$ west 286.30 feet to a Department of Highways Monument planted in the western limit of said lands of James Alfred Norton, the last said Department of Highways Monument being at the northeastern angle of the lands of the Department of Highways according to registered Deed No. 15410 and also being the following courses from the said intersection of the eastern limit of East Street and the northern limit of Dundas Street;

North $12^{\circ} 55'$ west along the said eastern limit of East Street, 330.05 feet; north $76^{\circ} 56'$ east along the said southern limit of the lands formerly belonging to the Desjardins Canal Company 316.8 feet and north $61^{\circ} 03'$ east continuing along the same limit 129.80 feet; thence along the said western limit of the lands of James Alfred Norton the following courses:

South $24^{\circ} 51'$ east 160.72 feet and south $12^{\circ} 41'$ west 145.76 feet to a Department of Highways Monument planted in the northern limit of the lands of the Toronto, Hamilton and Buffalo Railway Company, according to registered Deed No. 14357 (Dundas); thence along the last mentioned limit the following courses:

South $88^{\circ} 36'$ east 65.37 feet to a Department of Highways Monument and north $80^{\circ} 12'$ east 317.00 feet to a standard iron bar planted in the western limit of the lands of the Toronto, Hamilton and Buffalo Railway Company according to registered Deed No. 14773 (Dundas); thence along the last mentioned limit north $10^{\circ} 07'$ west 1.80 feet to a Department of Highways Monument planted in the northern limit of the lands of the said Railway Company; thence along the last mentioned limit north $79^{\circ} 42' 30''$ east 543.57 feet to the point of commencement.

SAVING AND EXCEPTING out of the above described parcel of land all that portion of the lands of the Department of Highways acquired by Deposited Plan Number 187 Miscellaneous; ALSO SAVE AND EXCEPTING out of the above described parcel of land all that portion of the travelled road and of the former travelled road across said Block 77.

THE ABOVE DESCRIBED PARCELS being subject to the Low Tension Line Easement of the Hydro Electric Power Commission and of the Hamilton Cataract Power Light and Traction Company Limited

SUBJECT to the provisos contained in deed dated — August 1938 and registered as Number 15668, Town of Dundas,



BILL

An Act respecting the Royal Botanical
Gardens.

1st Reading

March 18th, 1941

2nd Reading

3rd Reading

MR. NEWLANDS

(*Private Bill*)

No. 24

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act respecting the Royal Botanical Gardens.

MR. NEWLANDS

BILL

An Act respecting the Royal Botanical Gardens.

Preamble.

WHEREAS the Board of Park Management of the City of Hamilton has by its petition represented that it administers certain lands as public parks and that portions of such lands are otherwise known as the Royal Botanical Gardens; and that the said Board entered into an agreement dated the 11th day of February, 1931, with McMaster University relating to portions of its said lands which agreement was validated by *The McMaster University Act, 1932*; and that pursuant to the said agreement an agreement dated the 14th day of December, 1931, for a general scheme of building and landscape improvement and planting was prepared and subsequently deposited in the registry office for the registry division of the County of Wentworth as number 11683; and that the assent to the use of the word "Royal" in connection with the said Botanical Gardens was granted in the year 1930; and that it is desirable that the said Royal Botanical Gardens be administered by a separate board duly incorporated for such purpose; and whereas the petitioners have prayed for special legislation to effect such purpose; and whereas it is expedient to grant the prayer of the said petition;

1932, c. 106.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Board of the
Royal
Botanical
Gardens in-
corporated.

1. The Board of the Royal Botanical Gardens as hereinafter constituted is hereby declared to be a body corporate and politic under the name "Board of the Royal Botanical Gardens", hereinafter called the "Board", to administer the affairs of the Royal Botanical Gardens.

Constitution
of Board.

2. The Board shall consist of ten members as follows:

- (a) three members of and nominated by the Board of Park Management of the City of Hamilton;
- (b) three persons not being members of the council of the City of Hamilton, who shall be nominated by the said council and who shall serve for three years;

(c) one person nominated by the Lieutenant-Governor in Council, who shall serve during the pleasure of the Lieutenant-Governor in Council;

(d) the Minister of Agriculture for the Province of Ontario for the time being;

(e) the Mayor of the City of Hamilton for the time being;

(f) the Chancellor of McMaster University for the time being.

(2) Any vacancy occurring in class *a* or in class *b* for the unexpired term shall be filled by the said Board of Park Management or the said council, as the case may be. Vacancies.

3. The Board shall have power to and may,—

Powers of Board.

(a) establish and maintain upon its property parks, museums, zoological or other gardens, natural history collections, observatories, art galleries, monuments and works of art, and do all acts and things usually incident to the purposes of botanical gardens and do all acts and things which the Board may consider desirable for the purposes of the establishment, maintenance, development and extension of the Royal Botanical Gardens;

(b) receive, acquire and hold such lands in the City of Hamilton and in the Townships of Ancaster, Beverley, Barton, West Flamboro, East Flamboro and Saltfleet, as it may consider advisable in the development of the Royal Botanical Gardens;

(c) take by purchase, devise, bequest, grant, conveyance or gift any real or personal property for the purposes of its undertaking;

(d) set apart such of its property as it may see fit for athletic purposes or for the purpose of sport exhibitions or other lawful amusement and entertainment and to lease the same for such purposes for such times and on such terms as the Board may see fit;

(e) make such rules and regulations as it may consider necessary for the conduct of its affairs;

(f) exchange with or give to parks, horticultural societies and similar bodies shrubs, plants and flowers;

Rev. Stat.,
c. 82.

- (g) give courses of instruction in forestry, nature study, botany, horticulture, agriculture and all other subjects of study that may be conveniently carried on in connection with the facilities afforded by the Royal Botanical Gardens; promote research in forestry and economic botany and advance the interests of technical and botanical knowledge; encourage the cultivation of trees, shrubs, flowers, fruits, vegetables and other produce; collect information regarding the same and publish such information; import and otherwise procure seeds and plants of new and valuable kinds; offer prizes and grant diplomas and certificates and pursue objects similar to the objects of horticultural societies under *The Horticultural Societies Act*, and promote the general educational interests of the country;
- (h) employ and pay for the services of experts, instructors, apprentices, students and other persons whose services the Board may deem necessary in carrying out the purposes of the Board;
- (i) co-operate with any educational institution or public body for any of the purposes of the Board and exchange with and give to parks, horticultural societies, other botanical gardens and similar institutions or bodies, shrubs, plants and flowers and the products of the Royal Botanical Gardens and sell or otherwise dispose of the same;
- (j) enter into an agreement or agreements with the Board of Park Management of the City of Hamilton, under which the said Board of Park Management will agree to furnish the Board each year with an amount equal to the moneys which it expended in the year 1940 for the maintenance, improvement, development and extension of the lands herein referred to as the Royal Botanical Gardens, and further to furnish and pay to the Board after the retirement of each issue of the debentures assumed by the said Board of Park Management and now outstanding an amount equal to the aggregate of the annual payments for principal and interest in respect of the issue so retired, such payment to be made in the year following each such retirement but so that the amount payable to the Board in any one year in respect of all such debentures as may have been retired from time to time shall not exceed one-quarter of a mill in the dollar upon the assessed value of all rateable real and personal property in the City of Hamilton, unless the Council of the Corporation of the City

of Hamilton shall consent to the payment of an additional amount. The said Board of Park Management is hereby empowered and directed to enter into such agreement or agreements and make all such payments;

(k) borrow for the purposes of the Board;

(l) raise by issue of debentures with the approval of the Ontario Municipal Board money required by the Board from time to time in carrying out its objects; such debentures shall be payable within forty years furthest from the date of their issue and shall form a lien and charge upon the lands subject to the control and management of the Board or such part or parts thereof as may be designated in connection with the issue of such debentures, and the Board shall provide a sinking fund for the payment of such debentures;

(m) pay to the members of the Board actual disbursements for expenses incurred in connection with the work of the Board.

4. The lands described in the Schedule hereto, known as the Royal Botanical Gardens, are hereby vested in the Board subject to the said agreement dated the 11th day of February, 1931, and the said agreement for a general scheme of building and landscape improvement and planting dated the 14th day of December, 1931, prepared pursuant to the said agreement dated the 11th day of February, 1931, and deposited in the registry office for the registry division of the County of Wentworth, as number 11683. Lands vested in Board.

5. The Board shall keep in its office all books, maps, plans, papers and documents used in and pertaining to its business and the same shall be open to the inspection of any person designated for that purpose by the Lieutenant-Governor in Council or the Corporation of the City of Hamilton. Inspection of books.

6. The Board shall keep accounts of its receipts, payments, credits and liabilities and the same shall be audited by auditors appointed by the Board. Accounts to be kept.

7. Sections 342, 343, 345 to 347 and 349 to 357 of *The Municipal Act* shall be read as part of this Act and shall apply to the Board as if the Board were named therein in place of the Corporation or Municipal Council. Sections of Rev. Stat., c. 266 to apply.

Powers of
Board of
Park
Management
under
Rev. Stat.,
c. 285
to apply.

8.—(1) The Board shall have, in addition to the powers herein conferred, all the powers and privileges of a Board of Park Management under *The Public Parks Act* so far as not inconsistent with the provisions of this Act, and shall have the benefits conferred upon a Board of Park Management or its lands by *The Public Parks Act* or any other Act.

Rev. Stat.,
c. 285, ss. 18,
19 and 20
to apply.

(2) The provisions of sections 18, 19 and 20 of *The Public Parks Act* shall be read as part of this Act and shall apply to the Board as if the Board were named therein instead of the Board of Park Management.

Short title.

9. This Act may be cited as *The Royal Botanical Gardens Act, 1941*.

SCHEDULE A

PARCEL 1.

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being parts of Lots Nine, Ten, Eleven and Twelve in the First Concession of the Township of East Flamboro in the County of Wentworth, being a portion of the "Valley Farm" Flats and containing one hundred and twenty-two acres more or less as described in the Conveyance thereof from the Trustees of the Will of William Hendrie to George Muir Hendrie bearing date the twenty-fifth day of August, one thousand nine hundred and thirty-one, registered in the Registry Office for the Registry Division of Wentworth as No. 13174.

Subject to the provisos in the said last mentioned deed contained—

1. That the Grantee (The Corporation of the City of Hamilton) will maintain and keep in perpetuity the said lands as a Public Park for the recreation of the Public and for no other purpose, municipal or otherwise.
2. That the said Park shall be known hereafter as "Hendrie Park."
3. That the Grantee will provide a suitable entrance from the Toronto and Hamilton Highway to the southerly portion of the lands hereby conveyed and that it will cut and keep cut the weeds and other wild growth on the said lands and will keep the property in a manner suitable for park purposes.
4. That the provisions of The Public Parks Act of the Province of Ontario and any amendments thereto shall apply to the lands hereby conveyed.

PARCEL 2.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of East Flamboro in the County of Wentworth, in the Province of Ontario, being composed of part of Lot Twelve (12) in the First Concession of the said Township of East Flamboro and which may be more particularly described as follows, that is to say: Commencing at a stone monument planted at the intersection of the division line between the northeasterly and the southwesterly halves of said Lot 12 with the northwesterly limit of the Toronto-Hamilton Highway (Road Allowance between the Broken Front and First Concession); thence north forty-five degrees, thirty-one minutes and thirty seconds west (N. 45°, 31' 30" W.) along the said division line between the northeasterly and southwesterly halves of said Lot 12, ten feet (10') to a point; thence north forty-three degrees and thirty-two feet east (N. 43°, 32' E.) and parallel with the northwesterly limit of the said Toronto-Hamilton Highway three hundred and ninety-five feet and eight inches (395' 8") to a point in the northeasterly limit of the lands of the Hamilton Parks Board; thence south forty-five degrees, thirty-one minutes and thirty seconds east (S. 45°, 31', 30" E.) along the said northeasterly limit of said Parks Board lands ten feet (10') to the aforesaid northwesterly limit of the Toronto-Hamilton Highway; thence south forty-three degrees and thirty-two minutes west (S. 43°, 32' W.) along the said northwesterly limit of the said Toronto-Hamilton Highway three hundred and ninety-five feet and eight inches (395' 8") to the place of beginning.

PARCEL 3.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of East Flamboro in the County of Wentworth in the Province of Ontario, being composed of part of Lot Number Twelve in the First Concession in the said Township of East Flamboro and which may be more particularly described as follows, that is to say: Commencing at a stone monument planted at the intersection

of the division line between the northeasterly and southwesterly halves of said Lot Number Twelve with the northwesterly limit of the Toronto-Hamilton Highway (road allowance between Broken Front and First Concessions); thence north forty-five degrees thirty-one minutes and thirty seconds west along the said division line between the northeasterly and southwesterly halves of said Lot Number Twelve nine hundred and thirty-seven feet and two inches more or less to a point in the line of a present existing fence marking the southerly limit of the lands now owned by the Board of Park Management for the City of Hamilton; thence following the said present existing fence marking the southerly limit of the said lands of the Board of Park Management for the City of Hamilton the following courses and distances, namely: North forty-seven degrees and forty-eight minutes east one hundred and thirty-five feet and two inches north thirty-three degrees sixteen minutes and thirty seconds west one hundred and sixty-five feet and ten inches north fourteen degrees and thirty-three minutes west, one hundred and eighty-nine feet and ten inches north sixty-eight degrees thirty-one minutes and thirty seconds east one hundred feet and seven inches south twenty-three degrees and fifty-two minutes east sixty-one feet and three inches south forty-four degrees and forty-one minutes east twenty-seven feet south fifty-four degrees and forty-nine minutes and thirty seconds east one hundred and twenty-five feet and four inches south fifty-two degrees and thirty minutes east one hundred and thirty-six feet and south eighty degrees, Forty-nine minutes and thirty seconds east, thirty-six feet and one inch more or less to a stake planted in a line drawn parallel with the aforesaid division line between the northeasterly and southwesterly halves of Lot Number Twelve from a stake planted in the northwesterly limit of the Toronto-Hamilton Highway, which is distant three hundred and ninety-five feet and eight inches measured on a course of north forty-three degrees and thirty-two minutes east along the said northwesterly limit of the said Highway from the place of beginning; thence south forty-five degrees thirty-one minutes and thirty seconds east parallel with the said division line between the northeasterly and southwesterly halves of Lot Number Twelve eight hundred and thirty-one feet and two inches more or less to the aforesaid stake planted in the northwesterly limit of the Toronto-Hamilton Highway; thence south forty-three degrees and thirty-two minutes west along the said northwesterly limit of the said Highway three hundred and ninety-five feet and eight inches to the place of beginning.

The above described parcel of land containing by admeasurement nine and fifty-six one hundredths acres be the same more or less and said parcel being shown outlined in yellow on the plan attached to Deed from Mary Murray Hendrie, *et al.*, to The Municipal Corporation of the City of Hamilton dated the 18th day of January, 1932, and registered on 18th February, 1932, as Number 13233, Township of East Flamboro.

PARCEL 4.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of East Flamboro, in the County of Wentworth in the Province of Ontario, being composed of part of the southwesterly half of Lot Number Twelve in the First Concession of the said Township of East Flamboro and which may be more particularly described as follows, that is to say: Commencing at a point in the division line between the southwesterly and northeasterly halves of said Lot Number Twelve where it is intersected by the centre of the Waterdown Creek, said point being distant two thousand one hundred and twenty-three feet measured on a course of north forty-five degrees and thirty-one minutes west along the said division line between the southwesterly and northeasterly halves of said Lot Number Twelve from the northwesterly limit, of the Toronto-Hamilton Highway (King's Highway Number Two) original road allowance between Broken Front and First Concession; thence north forty-five degrees and thirty-one minutes west along the said division line between the southeasterly and northeasterly halves of Lot Number Twelve eight hundred and seventy-three feet more or less to a point in the northeasterly limit of the Snake Road leading from the City of Hamilton to the Village of Waterdown; thence southeasterly and southwesterly following the northeasterly and southeasterly limits of the said Waterdown Road nine hundred and ninety feet more or less to a stake

planted in the division line between lots Numbers Twelve and Thirteen; thence south forty-five degrees and thirty-three minutes east along the said division line between Lots Twelve and Thirteen two hundred and fourteen feet more or less to a point in the centre of the aforesaid Waterdown Creek; thence northeasterly, southeasterly and northeasterly following the centre line of the said Waterdown Creek in all its winding thirteen hundred and sixty feet more or less to the place of beginning.

The above described parcel of land containing by admeasurement six and seven-tenths acres be the same more or less.

The said lands being further shown outlined in red on the plan annexed to Deed from George D. Filman to the Corporation of the City of Hamilton dated the 23rd of January, 1934, and registered on the 26th of January, 1934, as Number 13523, Township of East Flamboro.

PARCEL 5.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of East Flamboro in the County of Wentworth and Province of Ontario, and being Lots Numbers One and Two in a certain Survey of Park Lots made by Thomas Allen Carroll as the same are laid down and numbered in the plan thereof. Containing by admeasurement together 10.75 acres more or less and which said Survey of Park Lots is upon and forms part of Lot Number Thirteen in Concession One of the said Township of East Flamboro.

SAVING AND EXCEPTING—

FIRSTLY: That parcel of land now occupied by The King's Highway and such additional adjoining land necessary to widen the said highway to a width of one hundred feet.

SECONDLY: That certain parcel of land adjoining the Waterdown Road and necessary to widen the said Waterdown Road to a width of sixty-six feet.

PARCEL 6.

All that parcel or tract of land in the City of Hamilton in the County of Wentworth in the Province of Ontario containing by admeasurement one hundred and four acres, be the same more or less, being composed of land and land covered by the waters of Burlington Bay in the Hamilton Harbour and marsh lands therein lying partly within the limits of the City of Hamilton and partly adjacent to the Townships of East and West Flamboro described as follows: Commencing at a concrete monument planted on the westerly shore of the northwesterly arm of Hamilton Harbour distant two hundred and eighty-two feet and six inches measured on a course of north seventy-four degrees and fifty-three minutes east from a point in the westerly limit of York Boulevard as shown on plan of Ordnance Survey registered in the Registry Office for the Registry Division of Wentworth as Plan Number 77, which said point is distant one thousand six hundred and eighty-nine feet and five inches measured on a course of south twenty-one degrees and forty-four minutes east along the said westerly limit of York Boulevard from the stone monument planted in the said limit of the York Boulevard where it is intersected by the division line between Lots Fifty-six and Fifty-seven as shown on the aforesaid plan of the Ordnance Survey; thence north seventy-four degrees and fifty-three minutes east and crossing the northwesterly arm of Hamilton Harbour one thousand seven hundred and seventy feet more or less to a concrete monument planted on the easterly shore of the said northwesterly arm of Hamilton Harbour and being at the southwesterly end of the low-lying land known as Carroll's Point; thence northeasterly, northwesterly and northerly following the easterly shore of the said northwesterly arm of Hamilton Harbour in all its windings to the most northerly extremity of the said northwesterly arm of Hamilton Harbour; thence southerly and following the westerly shore of the said northwesterly arm of Hamilton Harbour in all its windings to the place of beginning as shown with borders outlined in red by Ontario Land Surveyors McKay and McKay, dated August 16th, 1930, of record in the Department of Lands and Forests, a copy of which plan is attached to and forms part of the Letters Patent granted unto the Corporation of the City of Hamilton dated the Seventeenth day of November, 1938.

RESERVING therefrom the right of way of all travelled roads or highways passing across or through said above described parcel SAVING, EXCEPTING and RESERVING the free use, passage and enjoyment of, in over and upon all navigable waters which shall or may hereafter be found on or under, or be flowing through or upon any part of the land hereby granted and reserving also the right of access to the shores of all rivers, streams and lakes, for all vessels, boats and persons.

SUBJECT also to the condition contained in Section 58 of The Public Lands Act requiring that all ores or minerals raised or removed therefrom shall be treated and refined within the Dominion of Canada; and is SUBJECT ALSO to the provisions of Section 59 of The Public Lands Act.

PARCEL 7.

FIRSTLY: All and Singular that certain parcel or tract of marsh lands and land covered by water situated, lying and being in Cootes Paradise, in front of Part of the Gore of the Township of Ancaster and which may be more particularly described as follows, that is to say: Commencing at a point in the division line between the Townships of Barton and Ancaster where it is intersected by the southern bank of Cootes Paradise, the said point being distant seven hundred and sixteen feet measured on a course of north eighteen degrees and four minutes east along the said division line between the Townships of Barton and Ancaster from a concrete monument planted in the southern limit of the unopened road allowance between Concessions One and Two in the said Township of Barton; thence north eighteen degrees and four minutes east along the production northerly of the said division line between the Townships of Barton and Ancaster nineteen hundred feet more or less to a point distant two hundred feet measured southerly at right angles from the centre line of the Desjardins Canal; thence westerly parallel with and distant two hundred feet measured southerly at right angles from the centre line of the said Desjardins Canal four thousand two hundred and twenty-five feet more or less to a point in the production southerly of the division line between Lots Numbers 24 and 25 in the First Concession of the Township of West Flamboro, the said production being the eastern limit of the Water Lot described in the Crown Patent to Peter Desjardins, dated the 18th day of January, A.D. 1826; thence south twelve degrees and forty-four minutes east along the said production of the division line between Lots Numbers 24 and 25 in the First Concession of the Township of West Flamboro and being along the eastern limit of the lands described in the aforesaid Patent twelve hundred and fifty feet more or less to an iron pipe planted at the south-eastern angle of the water lot described in the aforesaid Patent; thence south seventy-six degrees and thirty-nine minutes west following along the southern limit of the water lot described in the aforesaid Patent twenty-four hundred and seventy feet more or less to a concrete monument planted at angle in the said water lot described in the aforesaid Patent; thence south twelve degrees and forty-four minutes east along the eastern limit of the western part of the water lot described in the aforesaid Patent four hundred and thirty-four feet more or less to a concrete monument planted in the northern limit of Dundas Street; thence south seventy-six degrees and thirty-nine minutes west along the said northern limit of Dundas Street fourteen hundred feet more or less to a point in the northwestern bank of Cootes Paradise; thence southwesterly, southerly and easterly and following the northwestern, western and southern bank of Cootes Paradise in all its windings to the place of beginning.

SAVE AND EXCEPTING out of the above described water lot that part of Dundas Street (road allowance between the Townships of Ancaster and West Flamboro) lying within the limits of the above described parcel.

AND ALSO SAVE AND EXCEPTING out of the above described water lot that part of the water lot vested in His Majesty The King, as represented by the Honourable the Minister of Highways for the Province of Ontario, by Order-in-Council dated 23rd August, 1937, which lies within the limits of the above water lot. The above described water lot, exclusive of the above exceptions, contains by admeasurement two hundred and two acres be the same more or less.

SECONDLY: All and Singular that certain parcel or tract of marsh lands and land covered by water lying partly in Cootes Paradise and partly in the original channel between Cootes Paradise and Burlington Bay and lying in front of part of the Ordnance Survey as shown on plan registered in the Registry Office for the Registry Division of Wentworth as Plan Number 77 and now owned by the Corporation of the City of Hamilton and which may be more particularly described as follows, that is to say: Commencing at a point where the production on a course of north eighteen degrees and four minutes east of the division line between the Townships of Barton and Ancaster intersects a line drawn parallel with and distant two hundred feet measured northerly at right angles from the centre line of the Desjardins Canal, the said point being distant three thousand and sixteen feet more or less measured along the aforesaid production of the aforesaid division line between the Townships of Barton and Ancaster from a concrete monument planted in the southern limit of the unopened road allowance between Concessions One and Two in the said Township of Barton; thence north seven degrees west thirteen hundred and sixty feet to a point in the centre of the original channel between Cootes Paradise and Burlington Bay; thence following the centre line of the original channel between Cootes Paradise and Burlington Bay the following courses and distances, namely: North twenty-five degrees east, seventeen hundred feet, north seventeen degrees east eight hundred feet; north seventy-four degrees east, eight hundred and twenty feet more or less to an intersection with the production of the western limit of King's Highway Number Two, the said point being distant two hundred and forty-four feet measured on a course of south three degrees and twenty-two minutes west along the aforesaid production of the western limit of the aforesaid King's Highway Number Two from the southern limit of the unopened road allowance between Concessions One and Two in the Township of West Flamboro; thence north eighty-six degrees east along the centre line of the aforesaid original channel seven hundred and twenty feet more or less to the north-western limit of the right-of-way lands of the Canadian National Railway Company's Main Line from Hamilton to Toronto; thence southwesterly along the said northwestern limit of the said right-of-way lands to the water's edge at high water mark of the southern shore of the aforesaid original channel; thence westerly, southerly and southeasterly and following along the water's edge at high water mark of the southern, eastern and northeastern shores of the said channel and Cootes Paradise, being along the limits of the Ordnance Survey aforesaid to an intersection with the aforesaid line drawn parallel with and distant two hundred feet measured northerly at right angles from the centre line of the Desjardins Canal; thence northwesterly along the said last mentioned line eight hundred and seventy feet more or less to the place of beginning.

SAVE AND EXCEPTING out of the above described parcel—

FIRSTLY: The right-of-way lands of the Canadian National Railway Company's line leading from Hamilton to London.

SECONDLY: The right-of-way lands of the Canadian Pacific Railway Company's line leading from Hamilton to Guelph Junction.

THIRDLY: The old road leading from Hamilton to Guelph. The above described parcel of marsh lands and land covered by water, exclusive of the above exceptions, contains by admeasurement thirty-five acres be the same more or less.

The water lots firstly and secondly above described, being shown outlined in yellow on Plan of Survey by Ontario Land Surveyors MacKay and MacKay, dated August 16th, 1937, of record in the Department of Lands and Forests.

SUBJECT to the right of the Department of Highways of the Province of Ontario to use the whole or any part of the said lands for highway purposes.

SAVING, EXCEPTING AND RESERVING unto us, Our Heirs and Successors, the free use, passage and enjoyment of, in, over and upon all navigable waters which shall or may hereafter be found on or under, or be flowing

through or upon, any part of the land hereby granted, and reserving also the right of access to the shore of all rivers, streams and lakes, for all vessels, boats and persons.

The land hereby granted is subject to the conditions contained in Section 58 of The Public Lands Act, requiring that all ores or minerals raised or removed therefrom shall be treated and refined within the Dominion of Canada; and is subject also to the provisions of Section 59 of The Public Lands Act.

PARCEL 8.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Hamilton in the County of Wentworth in the Province of Ontario, being composed of parts of Lots Numbers Fifty-one, Fifty-two, Fifty-four and Fifty-five, in the Ordnance Property on Burlington Heights in the said City of Hamilton, as shown on Registered Plan No. 77, and which parcel may be more particularly described as follows, that is to say: Commencing at a point distant thirty-three feet westerly at right angles from the centre line of a travelled road known as "Waddell's Road", which said point is distant one hundred and ten feet measured northerly in a straight line from the intersection of the division line between Lots Fifty and Fifty-one with a line drawn parallel with and distant thirty-three feet westerly at right angles from the centre line of the said Waddell's Road; thence westerly and parallel with the said division line between Lots Fifty and Fifty-one a distance of one hundred and eighteen feet more or less to the water's edge of Coote's Paradise, which also marks the westerly limit of said Lot Fifty-one; thence westerly and northerly and following along the said water's edge of Coote's Paradise in all its windings, which also marks the westerly limit of said Lots Fifty-one, Fifty-two and Fifty-five, a distance of one thousand and sixty-six feet more or less to its intersection with the northerly limit of the said Lot Fifty-five; thence southeasterly along the said northerly limit of Lot Fifty-five a distance of thirty-eight feet more or less to its intersection with a line drawn parallel with and distant thirty-three feet westerly at right angles from the centre line of the said Waddell's Road; thence southerly along the said line as drawn parallel with and distant thirty-three feet westerly at right angles from the centre line of the said Waddell's Road, a distance of six hundred and twenty-eight feet and eight inches more or less to the place of beginning.

The above described parcel of land, on which is erected a brick house and frame shed and garage, containing by admeasurement three and sixty-five one hundredths acres, be the same more or less, and being further shown outlined in red on plan attached to Deed from George D. Filman, *et ux*, to The Corporation of the City of Hamilton, dated 22nd of June, 1929, and registered as Number 317364, City of Hamilton.

Together with any right, title or interest or riparian rights of the said George D. Filman in or to any water lots in Hamilton Harbour or Coote's Paradise in front of the said lands.

PARCEL 9.

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in Burlington Heights in the City of Hamilton in the County of Wentworth as shown on plan of Ordnance Survey made by J. Stoughton Dennis, P.L.S., registered in the Registry Office as Plan No. 77.

First. Lot Number Twenty-nine and part of Lot Number Twenty-eight pursuant to Deed made by John Teeple to The Corporation of the City of Hamilton registered in the Registry Office for the Registry Division of Wentworth on the 25th day of February, 1909, as Number 106079.

Second. Lots Number Twenty-one, Twenty-two, Twenty-three, Twenty-four, Twenty-five, Twenty-six and part of Lot Twenty-seven pursuant to Deed made by George H. Kendall, *et al*, Executors of the Estate of Christina Patterson to The Corporation of the City of Hamilton, dated 1st February, 1922, and registered in the said Registry Office on the 8th day of April, 1922, as No. 235181.

Third. Lots Numbers Seventy-seven, Seventy-eight, Seventy-nine, Eighty, Eighty-one and Eighty-two pursuant to Deed from George Cleary to The Corporation of the City of Hamilton, dated 8th March, 1922, and registered in the said Registry Office on the 14th day of March, 1922, as No. 234107.

Fourth. Lots Seventy-four, Seventy-five and Seventy-six pursuant to Deed from Letitia Webb to The Corporation of the City of Hamilton, dated 15th March, 1922, and registered in the said Registry Office on the 15th day of March, 1922, as No. 234187.

Fifth. Lots Fifty-six, Fifty-seven, Fifty-eight, Fifty-nine, Sixty, Sixty-one, Sixty-two pursuant to Deed from Andrew F. Dowie et al, Executors of Charles Armstrong Estate, dated 21st February, 1922, and registered in said Registry Office on the 15th day of March, 1922, as No. 234189.

Sixth. Lots Eighty-five, Eighty-six, Eighty-seven, Eighty-eight, Eighty-nine, Ninety, Ninety-one, Ninety-two, Ninety-three, Ninety-four and Ninety-five pursuant to Deed from The Hamilton Sand and Gravel Company Limited to The Corporation of the City of Hamilton, dated the 4th day of July, 1923, and registered in the said Registry Office on the 5th day of July, 1923, as No. 252383.

Seventh. Part of Lot lettered "E" pursuant to Deed from Eliza Kerr to The Corporation of the City of Hamilton dated the 28th day of November, 1923, and registered in said Registry Office on the 30th day of November, 1923, as No. 258202.

Eighth. Part of Lot lettered "E" pursuant to Deed from Nora Wedge to The Corporation of the City of Hamilton dated 11th day of December, 1923, and registered in said Registry Office on the 24th December, 1923, as No. 259008.

Ninth. Parts of Lots Forty-nine and Fifty pursuant to lease from His Majesty the King, represented by the Honourable The Minister of the Interior, Number 846, File 2808, Lessee, The Corporation of the City of Hamilton, lands Lease, Old Cemetery, Burlington Heights, Lease dated 11th March, 1926, recorded 9th April, 1926.

Tenth. Lots Sixty-three, Sixty-four, Sixty-five, Sixty-six, Sixty-seven, Sixty-eight and Sixty-nine pursuant to Deed from Mary MacPhee to The Corporation of the City of Hamilton dated 9th February, 1923, and registered in the said Registry Office on the 10th of February, 1923, as No. 246566.

Eleventh. Part of Lot lettered "B" pursuant to Deed from T. J. O'Heir to The Corporation of the City of Hamilton dated 25th day of May, 1927, and registered in the Registry Office on the 30th day of May, 1927, as No. 296715.

Twelfth. Part of Lot lettered "B" pursuant to Deed from W. Philip dated 15th June, 1927, and registered in said Registry Office on 4th day of July, 1927, as No. 297850.

Thirteenth. Lots Seventy and Seventy-one pursuant to Deed from Irving H. and Douglas W. Cameron to The Corporation of the City of Hamilton dated 1st day of August, 1927, and registered in said Registry Office on the 25th day of October, 1927, as No. 300935.

Fourteenth. Lots Seventy-two and Seventy-three pursuant to Deed from Mary M. Macalpine, Executrix of Thomas J. Stewart, to The Corporation of the City of Hamilton dated the 1st day of August, 1927, and registered in said Registry Office on the 23rd day of September, 1927, as No. 299952.

Fifteenth. Lots Nine, Ten, Eleven, Twelve, Thirteen, Fourteen, Fifteen, Sixteen, Seventeen, Eighteen, Nineteen and Twenty pursuant to Deed from The Canadian Bank of Commerce (Edward New Lands) to The Corporation of the City of Hamilton dated the 8th day of February,

1928, and registered in the said Registry Office on the 1st day of May, 1928, as No. 305580.

Sixteenth. Part of Lot lettered "E" pursuant to Deed from James McFarland et al (McFarland and Nicol Tobacco Company) to The Corporation of the City of Hamilton dated 30th April, 1928, and registered in said Registry Office on the 26th day of June, 1928, as No. 307476.

Seventeenth. Part of Lot lettered "E" pursuant to Deed from Patrick Crane, Executor of Crane Estate, to The Corporation of the City of Hamilton dated 31st May, 1928, and registered in the said Registry Office on the 9th day of July, 1928, as No. 307880.

Eighteenth. Part of Lot lettered "E" pursuant to Deed from M. Culligan to The Corporation of the City of Hamilton dated 15th day of May, 1928, and registered in said Registry Office on the 16th day of May, 1928, as No. 306136.

Nineteenth. Part of Lot lettered "E" pursuant to Deed from Kate and James Sayers to The Corporation of the City of Hamilton dated the 12th day of June, 1928, and registered in said Registry Office on the 24th day of July, 1928, as No. 308340.

Twentieth. Part of Lot lettered "E" pursuant to Deed from Mary M. Flood to The Corporation of the City of Hamilton dated the 27th day of August, 1928, and registered in the said Registry Office on the 28th day of August, 1928, as No. 309235.

Twenty-first. Part of Lot lettered "E" pursuant to Deed from Patrick Crane et al, Executors of Mary McGrath Estate, to The Corporation of the City dated the 15th day of September, 1928, and registered on the 10th day of January, 1929, as No. 312696.

Twenty-second. Parts of Lots Fifty-one, Fifty-two, Fifty-four and Fifty-five pursuant to Deed from George D. Filman to The Corporation of the City of Hamilton dated 22nd June, 1928, and registered in the said Registry Office on the 28th day of June, 1929, as No. 317364.

Twenty-third. Parts of Lots Numbers Thirty, Thirty-one, Thirty-two, Thirty-three, Thirty-four, Thirty-five, Thirty-six, Thirty-seven, Thirty-eight, Thirty-nine, Forty, Forty-one, Forty-two, Forty-three, Forty-four, Forty-five, Forty-six, Forty-seven, Forty-eight and Lots Numbers Fifty-one, Fifty-two, Fifty-three, Fifty-four and Fifty-five pursuant to Deed from Andrew F. Dowie et al, Executors of Charles Armstrong Estate, to The Corporation of the City of Hamilton and registered in the said Registry Office on the 11th day of March, 1930, as No. 324440.

Twenty-fourth. Parts of Lots Numbers Fifty-three, Fifty-four and Fifty-five pursuant to Quit Claim Deed from George V. Mercer (Old Toll House) dated 19th March, 1930, and registered in said Registry Office on the 20th day of March, 1930, as No. 324716.

Twenty-fifth. Part of Lot No. Eight and Lot No. "D" particularly described and pursuant to Order No. 45462 of The Board of Railway Commissioners for Canada to Lease from The Canadian Pacific Railway Company, City to pay Company \$50 each year on 2nd January—City to pay all Taxes and charges, Order dated 20th September, 1930.

Twenty-sixth. The whole of the lands conveyed by the Hamilton Powder Company to The Toronto, Hamilton and Buffalo Railway Company dated 27th October, 1890, as Number 37690, to Lease from The Toronto, Hamilton & Buffalo Railway Company to The Corporation of the City of Hamilton—City to pay Company \$100 each year in advance on 2nd January—City to pay all taxes and charges—Order dated 19th September, 1930. Also the whole of Parcel "C" of a Crown Grant to the Railway Company of a portion of Coote's Paradise dated 31st October, 1930, containing 0.62 acres.

Twenty-seventh. Lot Number Eighty-three, except 30-foot strip, pursuant to Deed from the South Ontario Pacific Railway Company (C.P.R.)

to The Corporation of the City of Hamilton dated 26th February, 1932, and registered in the said Registry Office on the 26th day of February, 1932, as No. 9305 N.S.

Twenty-eighth. Parts of Lots Thirteen and Fourteen pursuant to Deed from James Guest to The Corporation of the City of Hamilton dated 15th January, 1933, and registered in the Registry Office on the 17th day of January, 1933, as No. 13959 N.S.

Twenty-ninth. Parts of Lots Thirteen and Fourteen pursuant to Deed from The British American Oil Company Limited to The Corporation of the City of Hamilton dated 29th June, 1933, and registered in the said Registry Office on the 30th day of June, 1933, as No. 15850 N.S.

Thirtieth. Part of Lot Thirteen pursuant to Deed from Michael J. Walsh to The Corporation of the City of Hamilton dated 29th June, 1933, and registered in the said Registry Office on the 3rd day of July, 1933, as Number 15902 N.S.

Thirty-first. Parts of Lots Forty-nine and Fifty shown on a plan of subdivision made by T. Holmes Bartley for the Ordnance Admiralty and Railway Lands Branch, dated 9th January, 1925, No. 828 A, which subdivision shows lots numbered from 1 to 10 thereon. This last mentioned parcel to be subject to a Lease being obtained from the Ordnance Admiralty and Railway Lands Branch, Department of the Interior, Ottawa, Canada.

SAVING AND EXCEPTING such portions of said Parcels of land as may be required for Roadway purposes by the City Corporation—

(a) All of said described parcels shall be subject to existing Boat-houses thereon, and the Board shall as soon as it can conveniently be done, remove all sign boards and all buildings not required for park purposes.

(b) Provided they mutually agree, the City and the Board to be at liberty of using any portion of said lands for public parking places or camping grounds or other public uses.

PARCEL 10.

FIRSTLY: All and Singular that certain parcel or tract of land and premises situate, lying and being in the City of Hamilton in the County of Wentworth and being part of Lot Number Twenty-one in the First Concession of the Township of Barton described as follows: Commencing at the northwest corner of Paradise Road and the unopened road allowance called Barton Street; thence northerly along the westerly boundary of said Paradise Road to the water's edge of Coote's Paradise; thence following the water's edge of Coote's Paradise to a point two hundred and eighty-six feet more or less westerly from the said westerly boundary of Paradise Road; thence southerly and parallel with the said westerly boundary of Paradise Road to the northerly boundary of said Barton Street; thence easterly two hundred and eighty-six feet more or less along the said northerly boundary of Barton Street to the point of commencement.

SECONDLY: All and Singular that certain parcel or tract of land and premises situate, lying and being in the City of Hamilton in the County of Wentworth and being composed of part of Lot Number Twenty-one in the Second Concession of the Township of Barton, now in the City of Hamilton, described as follows: Commencing at a point on the northerly boundary of said Township Lot distant four hundred and fifty feet measured westerly from the southwest corner of Paradise Road and Barton Street along the southerly boundary of the unopened road allowance called Barton Street; thence southerly in a straight line one hundred and ninety-three feet six inches to a point four hundred and eighty-one feet from the westerly boundary of said Paradise Road; thence northerly in a straight line one hundred and ninety-one feet to a point in the southerly boundary of said Barton Street distant four hundred and eighty-one feet measured westerly along the southerly boundary of said Barton Street from said corner of Paradise Road and Barton Street; thence easterly along the southerly boundary of said Barton Street thirty-one feet to the place of beginning.

PARCEL 11.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Hamilton in the County of Wentworth in the Province of Ontario, being composed of part of the Gore of the Township of Ancaster, now in the City of Hamilton, and which may be more particularly described as follows, that is to say: Commencing at a stake planted in the production westerly of the northerly limit of Sterling Street as shown on Plan of Survey known as Crescentwood and registered in the Registry Division for Wentworth as Plan Number 652, said stake being distant four hundred and fifty-three feet and five inches measured on a course of north eighty-five degrees and seventeen minutes west along the said production westerly of the said northerly limit of Sterling Street from the southwesterly angle of Parcel "K" as shown on the aforesaid plan of Crescentwood Survey; thence north four degrees and forty-three minutes east, two hundred and forty feet and one inch to a stake planted; thence north twenty degrees and twelve minutes east three hundred and eighty-six feet and one inch to a stake planted; thence north forty-four degrees and thirty-seven minutes east two hundred and twenty feet to a stake planted; thence north twenty degrees and twelve minutes east seven hundred and ninety-eight feet more or less to a stake planted in the southerly limit of the lands now owned by the Parks Board of the City of Hamilton; thence south sixty-nine degrees and forty-eight minutes east along the said southerly limit of the said lands now owned by the Parks Board of the City of Hamilton one hundred and twenty feet to a point in the westerly limit of a proposed sixty-six foot street; thence southerly and following the westerly limit of the said proposed sixty-six foot street the following courses and distances south twenty degrees and twelve minutes west, seven hundred and thirty-one feet to a stake planted at a point of curve; thence on a curve to the right having a radius of two hundred and seventy-five and forty-four one hundredths feet one hundred and thirty-one feet and five inches to a stake planted at a point of curve; thence south forty-seven degrees and thirty-three minutes west ninety-three feet and nine inches to a stake planted at a point of curve; thence on a curve to the left having a radius of three hundred and forty-one and forty-four one hundredths feet, one hundred and sixty-four feet to a stake planted at a point of curve; thence south twenty degrees and twelve minutes west, one hundred and seventy-six feet to a stake planted at a point of curve; thence on a curve to the left having a radius of seven hundred and twenty-two and two-tenths feet, one hundred and ninety-five feet and four and one-half inches to a stake planted at a point of curve; and thence south four degrees and forty-three minutes west, one hundred and thirty feet more or less to a stake planted in the aforesaid production westerly of the northerly limit of Sterling Street as shown on the aforesaid plan of Crescentwood Survey; thence north eighty-five degrees and seventeen minutes west along the said production westerly of the said northerly limit of Sterling Street one hundred feet to the place of beginning.

The above described parcel of land containing by admeasurement Four and Fourteen one hundredths acres be the same more or less.

PARCEL 12.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Hamilton in the County of Wentworth in the Province of Ontario, being composed of part of the Gore of the Township of Ancaster, now in the City of Hamilton, and which may be more particularly described as follows, that is to say: Commencing at a stake planted in the production westerly of the northerly limit of Sterling Street as shown on Plan of Survey known as Crescentwood and registered in the Registry Division of Wentworth as Plan Number 652, said stake being distant three hundred and fifty-three feet and five inches measured on a course of north eighty-five degrees and seventeen minutes west along the said production westerly of the said northerly limit of Sterling Street from the southwesterly angle of Parcel "K" as shown on the aforesaid plan of Crescentwood Survey; thence southerly and following the westerly limit of a proposed sixty-six foot street the following courses and distances, namely: South four degrees and forty-three minutes west four hundred and thirty-six feet more or less to a concrete monument planted at a point

of curve; thence on a curve to the left having a radius of one thousand three hundred and sixty and five-tenths feet one hundred and sixty-three feet and one inch to a concrete monument planted at a point of curve and thence south two degrees and nine minutes east one hundred and eighty-seven feet and two inches more or less to a concrete monument planted in the northerly limit of King Street as shown on plan of survey known as Elmhurst and registered in Registry Division for Wentworth as Plan Number 664, said concrete monument being planted at the intersection of the said northerly limit of King Street with the production northerly of the westerly limit of Forsyth Avenue as shown on the said plan of Elmhurst Survey; thence south eighty-seven degrees and fifty-one minutes west and following the said northerly limit of King Street as shown on said plan of Elmhurst Survey nine hundred and thirty-seven feet more or less to a point; thence following the northeasterly and easterly limit of the lands of McMaster University on a curve to the right having a radius of three hundred and forty-six and eighteen one hundredths feet, five hundred and sixteen feet and seven inches to a point of curve; thence north six degrees and thirty-nine minutes west, four hundred and seventy-two feet to an iron bar planted; and thence north eighty-seven degrees thirty-seven minutes east one hundred and thirty-eight feet ten inches; thence north four degrees forty-three minutes east one hundred and forty-one feet; thence south eighty-five degrees and seventeen minutes east along the said production of the northerly limit of the said Sterling Street, one thousand two hundred and thirty-four feet more or less to the place of beginning.

The above described parcel of land containing by admeasurement twenty-five and two hundred and fourteen one thousandths acres be the same more or less.

PARCEL 13.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Hamilton in the County of Wentworth in the Province of Ontario, being composed of part of the Gore of the Township of Ancaster, now in the City of Hamilton, and which may be more particularly described as follows, that is to say: Commencing at a point in the southerly limit of King Street as shown on plan of Survey known as Elmhurst and registered in the Registry Division for Wentworth as Plan Number 664, distant three hundred and fifty feet measured on a course of south eighty-seven degrees and fifty-one minutes west along the said southerly limit of King Street from the westerly limit of Forsyth Avenue as shown on the said plan of Elmhurst Survey; thence south two degrees and nine minutes east at right angles to the aforesaid southerly limit of King Street seven hundred and seventy-eight feet and two and one-half inches more or less to a point in the northerly limit of the Hamilton and London Provincial Highway, which point is distant two hundred and seventy-two feet and one and one-half inches measured westerly along the said northerly limit of the said Provincial Highway from the aforesaid westerly limit of Forsyth Avenue as shown on the said plan of Elmhurst Survey; thence south eighty-eight degrees and eleven minutes west along the northerly limit of the aforesaid Provincial Highway four hundred and twenty feet to a point; thence north two degrees and nine minutes west and parallel with the firstly described course seven hundred and seventy-five feet and eight inches more or less to a point in the aforesaid southerly limit of King Street; thence north eighty-seven degrees and fifty-one minutes east along the said southerly limit of King Street Four hundred and twenty feet to the place of beginning.

The above described parcel of land containing by admeasurement seven and four hundred and ninety-one one thousandths acres be the same more or less.

PARCEL 14.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Hamilton in the County of Wentworth and Province of Ontario, being composed of part of the Gore of the Township of Ancaster now in the City of Hamilton: Commencing at the intersection of the southerly limit of King Street with the westerly limit of Forsyth Avenue as shown on the Plan of Survey known as Elmhurst

and registered in the Registry Division for Wentworth as Plan Number 664; thence south eighty-seven degrees and fifty-one minutes west along the southerly limit of King Street three hundred and fifty feet to a point; thence south two degrees and nine minutes east at right angles to the aforesaid southerly limit of King Street twenty feet to a point; thence north eighty-seven degrees and fifty-one minutes east parallel with the aforesaid southerly limit of King Street three hundred and fifty feet to a point in the aforesaid westerly limit of Forsyth Avenue; thence north two degrees and nine minutes east along the westerly limit of Forsyth Avenue twenty feet to the place of beginning.

The above described parcel of land containing by admeasurement one hundred and sixty-one one thousandths acres.

PARCEL 15.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Hamilton in the County of Wentworth in the Province of Ontario, being composed of part of the Gore of the Township of Ancaster, now in the City of Hamilton, and which may be more particularly described as follows, that is to say: Commencing at a point in the southerly limit of King Street as shown on plan of survey known of Elmhurst and registered in the Registry Division for Wentworth as Plan Number 664 distant seven hundred and seventy feet measured on a course of south eighty-seven degrees and fifty-one minutes west along the said southerly limit of King Street from the westerly limit of Forsyth Avenue as shown on said Plan of Elmhurst Survey; thence south two degrees and nine minutes east at right angles to the said southerly limit of King Street twenty feet to a point; thence south eighty-seven degrees and fifty-one minutes west and parallel with the said southerly limit of King Street six hundred and eighty feet and seven inches more or less to a point in the easterly limit of the lands of one Symons; thence north six degrees and thirty-nine minutes west along the said easterly limit of the lands of one Symons twenty feet more or less to a point in the aforesaid southerly limit of King Street as shown on said plan of Elmhurst Survey; thence north eighty-seven degrees and fifty-one minutes east along the said southerly limit of King Street as shown on said plan of Elmhurst survey six hundred and eighty-two feet and three inches more or less to the place of beginning.

The above described parcel of land containing by admeasurement three hundred and thirteen one thousandths acres.

PARCEL 16.

ALL AND SINGULAR those certain parcels or tracts of lands and premises and lands covered by water, situate and being partly in the City of Hamilton and partly in the Township of West Flamboro in the County of Wentworth and Province of Ontario, and being composed of:

FIRSTLY: Part of Lot Number Twenty-one in the First Concession, part of Lot Number Twenty-one in the Second Concession of the Township of Barton and part of the water lot lying in front of said Lot Number Twenty-one in the First Concession originally granted by the Crown to the Corporation of the City of Hamilton by Patent dated the 26th day of December, A.D. 1906; part of the Gore of the Township of Ancaster, all now in the City of Hamilton; parts of Lots Numbers Twenty-four, Twenty-five, Twenty-six and Twenty-seven in the First Concession of the Township of West Flamboro and part of the unopened road allowance between the Townships of Ancaster and West Flamboro known as Dundas Street, more particularly described as follows, that is to say:

Commencing at a concrete monument planted at the intersection of the northerly limit of the unopened road allowance between Concessions One and Two in the Township of Barton with the westerly limit of the road allowance between Lots Numbers Twenty and Twenty-one in the said Township of Barton (Paradise Road), said concrete monument being distant three thousand three hundred and thirty-seven feet and six inches measured on a course of north seventeen degrees and thirty minutes east along the said westerly limit of the road allowance between Lots Numbers Twenty and Twenty-one (Paradise Road) from the northerly limit of

King Street, as laid out and shown on Plan of Survey known as Woodlawn and registered in the Registry Office for the County of Wentworth as Plan No. 634.

Thence north seventy-two degrees and fifty-six minutes west along the northerly limit of the aforesaid unopened road allowance between Concessions One and Two in the said Township of Barton, one thousand two hundred and ninety-eight feet more or less to a point in the division line between the Townships of Barton and Ancaster.

Thence south eighteen degrees and four minutes west along the said division line between the Townships of Barton and Ancaster sixty-six feet to a concrete monument planted at the intersection of the said division line between the Townships of Barton and Ancaster with the southerly limit of the aforesaid unopened road allowance between Concessions One and Two in the Township of Barton;

Thence south seventy-two degrees and fifty-six minutes east along the southerly limit of the said unopened road allowance between Concessions One and Two in the Township of Barton three hundred and one feet to a concrete monument planted.

Thence south five degrees and thirty-four minutes east four hundred and fifty feet to a concrete monument planted.

Thence south eighty-five degrees and fifty-two minutes west five hundred and eleven feet and three inches more or less to a concrete monument planted in the aforesaid division line between the Townships of Barton and Ancaster, said concrete monument being distant six hundred feet measured on a course of south eighteen degrees and four minutes west along the said division line between the Townships of Barton and Ancaster from the southerly limit of the aforesaid unopened road allowance between Concessions One and Two in the Township of Barton.

Thence south eighteen degrees and four minutes west along the said division line between the Townships of Barton and Ancaster, two thousand four hundred and eighty-five feet and six inches more or less to a concrete monument planted at the northeasterly angle of the lands now owned by one Maisey, said concrete monument being distant two hundred and sixty-six feet measured northerly along the said division line between the Townships of Barton and Ancaster from a stone monument planted at the intersection of the said division line between the Townships of Barton and Ancaster with the southerly limit of King Street, as laid out and shown on Plan of Survey known as Paisley Gardens, and registered in the Registry Office for the County of Wentworth as Plan 649.

Thence north seventy-two degrees and fifty six minutes west along the northerly limit of the said lands now owned by the said Maisey, and parallel with the production westerly of the northerly limit of King Street as laid out and shown on Plan of Survey known as Woodlawn and registered in the Registry Office for the County of Wentworth as Plan Number 634, one hundred feet to a concrete monument planted at the north-westerly angle of the said lands now owned by one Maisey.

Thence south eighteen degrees and four minutes west along the westerly limit of the said lands owned by one Maisey and parallel with the aforesaid division line between the Townships of Barton and Ancaster one hundred and eighty-six feet more or less to a concrete monument planted in the aforesaid westerly production of the northerly limit of King Street.

Thence north seventy-two degrees and fifty-six minutes west along the said production westerly of the northerly limit of King Street as laid out and shown on Plan of Survey known as "Woodlawn" and registered in the Registry Office for the County of Wentworth as Plan Number 634, ninety-nine feet and six inches more or less to a concrete monument planted at a point of curve.

Thence on a curve to the left having a radius of five hundred and twenty-eight and four-tenths feet, three hundred and forty feet and four and one-half inches more or less to a concrete monument planted at a point of curve.

Thence south seventy degrees and three minutes west, forty feet and three inches more or less to a concrete monument planted in the production southeasterly of the northeasterly limit of Marion Avenue, as laid out and shown on Plan of Survey known as "Crescentwood" and registered in the Registry Office for the County of Wentworth as Plan No. 652.

Thence north fifteen degrees and thirty-eight minutes west along the said production southeasterly of the northeasterly limit of Marion Avenue and along the said northeasterly limit of Marion Avenue, five hundred and fourteen feet and six inches more or less to a concrete monument planted at the northeasterly angle of "Crescentwood Survey."

Thence following the northerly limit of Glen Road as laid out and shown on said plan of "Crescentwood Survey," the following courses and distances, viz.: South seventy-four degrees and thirty-three minutes west sixty-six feet to a concrete monument planted at a point of curve; on a seven degree and thirty minute curve to the right, five hundred and twenty-one feet and one inch more or less to a concrete monument planted at a point of curve; and north sixty-six degrees and twenty-two minutes west one hundred and forty-six feet and three inches more or less to an iron bar planted in the easterly limit of Lot Number One, as laid out and shown on Plan of Survey known as "Oak Knoll," registered in the Registry Office for the County of Wentworth as Plan No. 680.

Thence north eighteen degrees and thirty-seven minutes east along the easterly limit of said Lot Number One as shown on said Plan of Survey known as "Oak Knoll," fifty-one feet, ten and one-half inches more or less to a concrete monument planted at the northeasterly angle of said Lot Number One.

Thence north forty-seven degrees and forty-seven minutes west along the northeasterly limits of Lots Numbers One and Two in said "Oak Knoll" Survey, one hundred and eight feet and nine and one-half inches more or less to a concrete monument planted.

Thence north sixty-one degrees and four minutes west along the northeasterly limits of Lots Numbers Two, Three, Four and Five in said "Oak Knoll" Survey, three hundred and thirty feet and ten inches more or less to a concrete monument planted at the most northerly angle of said Lot Number Five in said "Oak Knoll" Survey.

Thence north eleven degrees and thirty minutes west, two hundred and twenty-two feet to a concrete monument planted.

Thence north seventy-five degrees and forty-four minutes west five hundred and ninety-two feet to a concrete monument planted at a point of curve.

Thence on a curve to the left having a radius of eighty-four feet one hundred and three feet more or less to a concrete monument planted at a point of curve.

Thence south thirty-four degrees and eight minutes west three hundred and two feet and four inches to a concrete monument planted.

Thence north sixty-nine degrees and forty-eight minutes west, seven hundred and fifty-three feet and ten and one-half inches more or less to a concrete monument planted at a point of curve.

Thence on a curve to the left, having a radius of three hundred and eighty-two feet four hundred and forty-six feet and ten inches more or less to a concrete monument planted at a point of curve.

Thence south forty-two degrees and fifty-eight minutes west, seven hundred and sixty-nine feet and one inch more or less to a concrete monument planted at a point of curve.

Thence on a curve to the left having a radius of seventy-one and sixty-nine one hundredths feet, one hundred and ten feet and eleven inches more or less to a concrete monument planted at a point of curve.

Thence south forty-five degrees and forty minutes east one hundred and thirteen feet to a concrete monument planted.

Thence south one degree and fifty-one minutes west one hundred and eighty-four feet and seven inches to a concrete monument planted.

Thence south forty-five degrees and twenty-six minutes west three hundred and thirteen feet and nine inches more or less to a concrete monument planted at a point of curve.

Thence on a curve to the left having a radius of two hundred and sixty-nine and five-tenths feet, one hundred and ninety-one feet and nine inches more or less to a concrete monument planted at a point of curve.

Thence south four degrees and forty-three minutes west twenty feet to a concrete monument planted.

Thence south seventy-nine degrees and six minutes west one hundred and forty feet and ten inches to a concrete monument planted.

Thence south forty-four degrees and forty-five minutes west sixty-six feet and nine inches to a concrete monument planted.

Thence south eighty-eight degrees and seventeen minutes west sixty feet to a concrete monument planted.

Thence north twenty-one degrees and forty-two minutes west one hundred and three feet to a concrete monument planted.

Thence north seventy-eight degrees and fifty-nine minutes west one hundred and seventy-six feet and four inches to a concrete monument planted.

Thence north twenty-seven degrees and eleven minutes west, two hundred and seventy-six feet and three inches to a concrete monument planted.

Thence north ten degrees and eight minutes east two hundred and seventeen feet and seven inches to a concrete monument planted;

Thence north thirty nine degrees and thirteen minutes west ninety feet to a stake planted.

Thence north fourteen degrees six minutes west one hundred and eighty-two feet ten and three-quarter inches to a stake planted;

Thence north fifty-nine degrees and seven minutes west two hundred and twenty-eight feet and one-half inch to a stake planted.

Thence north thirty-nine degrees thirteen minutes west one hundred and seventy-three feet six inches more or less to a concrete monument planted in the line of the present existing fence marking what was formerly the westerly limit of the lands of the McKittrick Properties Limited, said concrete monument being distant five hundred and sixteen feet and three inches measured on a course of north sixteen degrees and twenty-two minutes east along the line of the said present existing fence from a concrete monument planted in the northeasterly limit of the right-of-way lands of the Toronto, Hamilton & Buffalo Railway Company (formerly the lands of the Hamilton and Dundas Electric Railway).

Thence north sixteen degrees and twenty-two minutes east along the line of the said present existing fence four hundred and thirteen feet and nine inches more or less to a concrete monument planted on the southerly shore of what is known as Cootes Paradise.

Thence easterly and following the said southerly shore of what is known as Coote's Paradise in all its various windings to a concrete monument planted at the intersection of the said southerly shore of Coote's Paradise with the aforesaid Division Line between the Townships of Barton and Ancaster, said concrete monument being distant, six hundred and fifty feet measured on a course of north eighteen degrees and four minutes east along the said Division Line between the Townships of Barton and Ancaster from the aforesaid northerly limit of the unopened road allowance between Concessions One and Two in the Township of Barton.

Thence north eighteen degrees and four minutes east along the production northerly of the aforesaid Division Line between the Townships of Barton and Ancaster, being the westerly limit of the aforesaid water lot originally granted by the Crown to the Corporation of the City of Hamilton by Patent dated the Twenty-sixth day of December, A.D. 1906, eight hundred and fifty-six feet more or less to the northwesterly angle of the water lots granted by the Corporation of the City of Hamilton to McKittrick Properties Limited by Instrument dated the first day of March, A.D. 1919, and registered in the Registry Office for the County of Wentworth on the Seventeenth day of March, A.D. 1919, as Number 192779.

Thence north sixty-seven degrees and twenty-six minutes east astronomic north sixty-eight degrees and nine minutes east original patent, along the northwesterly limit of said last mentioned water lot, said limit being a line drawn parallel with and distant eleven hundred feet measured southerly at right angles from the southerly limit of the Desjardine's Canal as it now exists through Lots Numbers Twenty-four, Twenty-five and Twenty-six in the Township of West Flamboro, two hundred and seventy feet more or less to an angle on said limit of said last mentioned water lot.

Thence south forty-eight degrees and thirty minutes east astronomic (south forty-eight degrees east original patent) along the northeasterly limit of said last mentioned water lot four hundred and eighty feet more or less to an angle in said limit of said water lot.

Thence south eighteen degrees and thirty minutes east astronomic (south eighteen degrees east original patent) and continuing along the said northeasterly limit of said last mentioned water lot, eleven hundred feet more or less to a point where the southerly shore of Coote's Paradise is intersected by the westerly limit of the aforesaid road allowance between Lots Numbers Twenty and Twenty-one in the Township of Barton (Paradise Road).

Thence south seventeen degrees and thirty minutes west along the said westerly limit of said last mentioned road allowance, six hundred and six feet and six inches more or less to the place of beginning.

SECONDLY being composed of Lot Lettered "A" as laid out and shown on the plan of the ORDNANCE SURVEY made by J. S. Dennis, P.L.S., and registered in the Registry Office for the County of Wentworth as Plan No. 77.

THIRDLY being composed of Lots Numbers One hundred and eighty-nine, One hundred and ninety, One hundred and ninety-one, One hundred and ninety-two and One hundred and ninety-three and parts of Lots Numbers One hundred and eighty-six, One hundred and eighty-seven, One hundred and eighty-eight, One hundred and ninety-four and One hundred and ninety-five and part of Macklin Street, as shown on Plan of Survey made for J. C. Macklin and registered in the Registry Office for the County of Wentworth as Plan No. 115 and which may be more particularly described as follows, that is to say:

Commencing at a stake planted at the intersection of the easterly limit of the road allowance between Lots Numbers Twenty and Twenty-one in the Township of Barton (Paradise Road) with the southerly limit of the unopened road allowance between Concessions One and Two in said Township (Barton Street), said intersection being the northwesterly angle of Lot One hundred and ninety-three in said J. C. Macklin's Survey.

Thence south seventeen degrees and thirty minutes west along the easterly limit of the said road allowance between Lots Numbers Twenty and Twenty-one (Paradise Road) Three hundred and twenty-four feet more or less to a stake planted at the southwesterly angle of Lot Number One hundred and eighty-six in said J. C. Macklin's Survey.

Thence easterly and following the line of a present existing fence the following courses and distances, namely: North eighty-two degrees and fourteen minutes, East eighty-six feet, North eighty-four degrees and thirty-one minutes, East one hundred and ninety-seven feet and seven inches, North eighty-two degrees and twelve minutes, East one hundred and eighty-nine feet and six inches, North seventy-six degrees and forty-one minutes, East one hundred and eight feet and eleven inches and North seventy-one degrees and fifty-two minutes, East one hundred and fourteen feet and nine inches more or less to the water's edge of Coote's Paradise.

Thence northerly along the water's edge of Coote's Paradise six feet more or less to the southerly limit of the unopened road allowance between Concessions One and Two in the Township of Barton (Barton Street).

Thence north seventy-two degrees and thirty minutes west along the said southerly limit of said unopened road allowance six hundred and fourteen feet more or less to the place of beginning.

The above described parcels of land and land covered by water Firstly, Secondly and Thirdly described, containing by admeasurement two hundred and sixty and seventy-three one hundredths acres be the same more or less.

NOTE. The bearings in the above description are referred to the westerly limit of the road allowance between Lots Numbers Twenty and Twenty-one in the Township of Barton (Paradise Road) which is north seventeen degrees and thirty minutes east astronomic.

PARCEL 17.

ALL AND SINGULAR that certain parcel or tract of land, marsh land and land covered by water in what is known as "Coote's Paradise" being composed of parts of Lots Numbers Twenty-three, Twenty-four, Twenty-five, Twenty-six and Twenty-seven in the First Concession of the Township of West Flamboro, part of the Gore of the Township of Ancaster and part of what has been called Dundas Street or a continuation thereof as an unopened roadway lying between the Townships of Ancaster and West Flamboro, in the County of Wentworth in the Province of Ontario, more particularly described as follows, that is to say:

Commencing at a point in the production northerly of the division line between the Townships of Barton and Ancaster, where it is intersected by a line drawn parallel with and distant eleven hundred feet measured southerly at right angles from the southerly bank of the Desjardin's Canal and distant fifteen hundred and eighty-six feet measured on a course of north eighteen degrees and four minutes east along the said production northerly of the division line between the Townships of Barton and Ancaster from a concrete monument planted in said division line at the point where the southerly limit of the road allowance between Concessions One and Two in the Township of Barton (Barton Street) intersects said division line, said point of commencement being also the northwesterly angle of that portion of a certain water lot granted by the Crown to the Corporation of the City of Hamilton on the Twenty-sixth day of December, 1906, conveyed by the Corporation of the City of Hamilton to the McKittrick Properties Limited by Instrument dated the First day of March, 1919, and registered in the Registry Office for the County of Wentworth as Number 192779.

Thence south sixty-seven degrees and twenty-six minutes west along a line drawn parallel with and distant eleven hundred feet measured southerly at right angles from the aforesaid southerly bank of the Desjardin's Canal thirty-seven hundred and forty-five feet more or less to the division line between Lots Numbers Twenty-four and Twenty-five in the First Concession of the Township of West Flamboro, said division line being also the easterly limit of the lands described in a Patent from the Crown to Peter Desjardin dated the Eighteenth day of January, 1826.

Thence south twelve degrees and forty-four minutes east along the said division line between Lots Twenty-four and Twenty-five being the easterly limit of said lands described in said Patent to Peter Desjardin, two hundred and seventy feet more or less to the southerly limit of said lands described in said Patent, said southerly limit of said lands being a line drawn parallel with the northerly limit of Dundas Street or what would be a continuation thereof so as to clear or pass to the north of several small points of land projecting into the marsh.

Thence south seventy-six degrees and thirty-nine minutes west parallel with the northerly limit of Dundas Street or what would be a continuation thereof and along the said southerly limit of the said lands described in the said patent to Peter Desjardin twenty-four hundred and seventy feet more or less to an angle in said limit of said lands.

Thence south twelve degrees and forty-four minutes east parallel with the division line between Lots Numbers Twenty-four and Twenty-five along the easterly limit of the lands described in the said patent to Peter Desjardin four hundred and thirty-four feet more or less to a point in the northerly limit of what has been called Dundas Street, said point being where the northerly limit of said Dundas Street intersects a point of land projecting into the said Marsh.

Thence south seventy-six degrees and thirty-nine minutes west along the northerly limit of what has been called Dundas Street being the southerly limit of the lands described in said patent to Peter Desjardin thirteen hundred feet more or less to a point.

Thence south twelve degrees and forty-four minutes east and parallel with the aforesaid division line between Lots Numbers Twenty-four and Twenty-five, four hundred and seventy-five feet more or less to a point, where the southerly margin of Coote's Paradise marsh is intersected by the present existing fence marking the westerly limit of the lands formerly owned by the McKittrick Properties Limited, said point being distant nine hundred and thirty feet measured on a course of north sixteen degrees and twenty-two minutes east along the line of said present existing fence from the northerly limit of the right of way lands of the Hamilton and Dundas Electric Railway Company.

Thence easterly and following the margin of the marsh lands in Coote's Paradise in all its windings, being the northerly limit of the lands formerly owned by the McKittrick Properties Limited to the aforesaid division line between the Townships of Barton and Ancaster.

Thence north eighteen degrees and four minutes east along the said division line between the Townships of Barton and Ancaster being the westerly limit of the aforesaid water lot granted by the Crown to the Corporation of the City of Hamilton, eight hundred and seventy feet more or less to the place of beginning.

The above described parcel of land containing by admeasurement one hundred and fourteen acres be the same more or less.

PARCEL 18.

FIRSTLY: All and Singular that certain parcel or tract of land and premises situate, lying and being in the City of Hamilton in the County of Wentworth and being composed of part of the Gore of Ancaster, now in the City of Hamilton, more particularly described as follows: Commencing on the northern limit of the Hamilton and London Provincial Highway at a point distant six hundred and ninety-two feet one and one-

half inches measured westerly from the northwest corner of Forsyth Avenue and the said Hamilton and London Provincial Highway; thence north two degrees and nine minutes west seven hundred and fifty-five feet to a point distant twenty feet from the southern limit of King Street; thence westerly parallel to the said southern limit of King Street six hundred and eighty feet and seven inches to the eastern limit of the lands of one Symons; thence southerly in a straight line along the said eastern limit of Symons' lands seven hundred and fifty-five feet and six inches to a point on the northern limit of the Hamilton and London Provincial Highway distant six hundred and twenty-two feet and eighth and one-half inches measured westerly from the point of commencement; thence easterly along the said northerly limit of the Hamilton and London Provincial Highway six hundred and twenty-two feet and eighth and one-half inches to the place of beginning. The said parcel containing 11.28 acres more or less.

SECONDLY: All and Singular that certain parcel or tract of land and premises situate, lying and being in the City of Hamilton in the County of Wentworth and being composed of part of the Gore of Ancaster, now in the City of Hamilton, more particularly described as follows: Commencing at the northwest corner of Forsyth Avenue and the Hamilton and London Provincial Highway; thence westerly along the northern limit of the said Hamilton and London Provincial Highway two hundred and seventy-two feet and one and one-half inches to a point; thence north two degrees and nine minutes west seven hundred and fifty-eight feet two and one-half inches to a point distant twenty feet from the southern limit of King Street; thence easterly parallel with the said southern limit of King Street three hundred and fifty feet to a point on the western limit of Forsyth Avenue; thence in a southerly direction along the western limit of Forsyth Avenue a distance of seven hundred and seventy-six feet one and one-half inches more or less to the place of beginning. The said parcel containing 5.429 acres more or less.

PARCEL 19.

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being:

FIRSTLY: In the Township of West Flamboro in the County of Wentworth aforesaid, containing two hundred and ten acres more or less and being composed of parts of the Marsh in Coote's Paradise in front of Lots Numbers Twenty, Twenty-one, Twenty-two, Twenty-three and Twenty-four in the First Concession of the said Township which may be better known and described as follows: Commencing on the northerly side of Dundas Street at a point thirty chains on a course of north seventy-eight degrees thirty minutes east from where the easterly Bank of Binkley's (or Lottridge's) Creek crosses the said Dundas Street; then north seventy-eight degrees thirty minutes east along the northerly side of Dundas Street to a point of land projecting into the said Marsh. Then north eleven degrees thirty minutes west five chains more or less till a course parallel with Dundas Street will clear or pass to the north of several small points of land projecting into the said Marsh. Then on a course north seventy-eight degrees thirty minutes east forty-five chains more or less to the produced limit between Lots Numbers Twenty-four and Twenty-five, then north eleven degrees thirty minutes west twenty-five chains more or less to the northerly edge of the said Marsh. Then westerly along the northerly edge of the said Marsh to the limit between Lots Numbers Nineteen and Twenty; then south eleven degrees thirty minutes east to within one chain of the Canal. Thence easterly along the northerly boundary of the lands of the Canal Company to a point where a line in a course south eleven degrees thirty minutes east will strike the place of beginning and from thence across the lands of the Canal Company to the place of beginning.

SAVING¹¹ AND EXCEPTING thereout the lands of the said Canal Company and any parts of the said lands now fenced and enclosed by any other parties and reserving the Britton Bath Osler and James Chequin (and their wives), their heirs and assigns, a strip of land along the north side of the lands of the Canal Company sixty feet wide and extending from the easterly to the westerly boundaries of the lands hereby granted

provided this lastly mentioned reservation shall be void and of no effect in case of non-user by the said Britton Bath Osler and James Chequin, their heirs and assigns, of the said strip for the purpose of a road or for the purpose of constructing a road within two years from the 2nd day of December, 1874, and upon the construction of a road through Coote's Paradise by John Semmins at any time this reservation shall at once cease and terminate.

SECONDLY: In the said Township of West Flamboro containing sixty-eight acres more or less being composed of the marsh in Coote's Paradise in front of Lots Twenty, Twenty-one, Twenty-two, Twenty-three and Twenty-four in the First Concession of said Township and being part of a parcel of land of two hundred and seventy-five acres described in a certain deed from one Britton Bath Osler and wife to George Brown, deceased, dated the 11th day of November, 1881, and registered as Number 3671 in Book for the said Township; which said parcel of sixty-eight acres may also be described as the same is described in a Plan and Survey made by Thomas S. Bell for Hiram David Binkley as follows: Commencing on the northerly side of Dundas Street produced at a point where the easterly bank of Binkley's (or Lottridges') Creek formerly crossed the said Dundas Street produced; thence along the northerly side of Dundas Street produced on a course of north eighty-one degrees fourteen minutes east nineteen hundred and eighty feet; thence north ten degrees west thirteen hundred and fifty-eight feet to within thirty-three feet of the Desjardins Canal; thence westerly parallel with the Canal thirty-two hundred feet to the board fence of David Watson's easterly boundary line, thence following the board fence south seven degrees east two hundred and fourteen feet; thence north seventy-five degrees east nine feet; thence north twenty-four degrees east one hundred feet; thence north forty-two degrees east eighty-eight feet; thence south seventy-nine degrees east one hundred feet; thence south fifty-one and one-half degrees east one hundred feet; thence south forty-one and one-half degrees east one hundred and forty-one feet, thence south thirty-six degrees east two hundred and twenty-four feet; thence south forty-nine degrees east forty-two feet; thence south eighty-two and one-half degrees east one hundred and twenty-nine feet; thence north eighty-one degrees east eighty-six feet; thence north forty-seven and one-half degrees east two hundred and sixty-four feet; thence north seventy-one degrees east forty-four feet; thence south seventy-eight and one-half degrees east forty-seven feet; thence south thirty degrees east one hundred and fourteen feet; thence south twenty degrees east two hundred and eighty-four feet to the northerly side of Dundas Street produced; thence following the northerly side of Dundas Street produced on a course of north eighty-one degrees fourteen minutes east ninety-one feet to the place of commencement.

THIRDLY: In the said Township of Ancaster, being composed of a part of the Gore in the First Concession of said Township and may be more particularly described by metes and bounds as follows, that is to say: commencing at a point where the Cold Spring Creek formerly joined the Morden Creek; thence south seventy-seven degrees thirty minutes east; twenty links to the original bank of said Morden Creek, thence north eight degrees thirty minutes east along the bank of Morden Creek three chains and eighty links, thence south seventy-three degrees thirty minutes east eleven chains and fifty links, thence south four degrees thirty minutes east four chains and forty links; thence south fifty-two degrees fifteen minutes east two chains and eighty-eight links; thence north seventy-five degrees east one chain sixty links; thence north sixty-eight degrees east two chains and forty-five links; thence north eighty degrees forty-five minutes east one chain and fifteen links; thence north fifty-three degrees east two chains and ninety-five links; thence north twenty-three degrees forty-five minutes east six chains; thence south eighty-three degrees thirty minutes east one chain and ninety-five links; thence south four degrees thirty minutes east two chains and thirty links to the foot of the hill; thence south eighteen degrees west to the east side of the Hamilton and Dundas Railway property now owned by the Toronto, Hamilton and Buffalo Railway; thence in a northwesterly direction along the east side of said Hamilton and Dundas Railway property now Toronto, Hamilton and Buffalo Railway to the place of beginning.

AND TOGETHER with all the right, title and interest of the said Hiram D. Binkley, now deceased, and of His Majesty the King as represented by the Minister of Highways for the Province of Ontario in, to or out of that part of the marsh in Coote's Paradise in front of the said Gore of Ancaster and in front of said Lots Numbers Twenty, Twenty-one, Twenty-two, Twenty-three and Twenty-four lying north, northeast and east of the lands of the Toronto, Hamilton and Buffalo Railway.

SAVING AND EXCEPTING thereout and therefrom—

FIRSTLY: All that portion of Lot Twenty, Concession One in the Township of West Flamboro in the County of Wentworth in the Province of Ontario, having an area of 2.430 acres, more or less, shown coloured yellow on Plan of Survey P. 1640-5 transferred to The Hydro Electric Power Commission of Ontario, and more particularly described as follows: commencing at a cut cross in the northerly limit of Desjardines Canal lands distant 2946 feet and 30 one hundredths of a foot measured north-easterly along the said northerly limit from the easterly limit of East Street; thence north 17 degrees and 51 minutes west along the site of a wire fence 175 feet and 2 tenths of a foot to a Standard Iron Bar; thence north 17 degrees and 6 minutes east along the site of a wire fence 510 feet and 6 tenths of a foot to an Iron Pipe; thence north 47 degrees and 10 minutes east along the line of a wire fence 79 feet and 1 tenth of a foot; thence south 3 degrees 20 minutes and 33 seconds, east 651.87 feet more or less to the northerly limit of the aforesaid Desjardines Canal lands; thence southwesterly along the last mentioned limit 200.93 feet more or less to the point of commencement.

PARCEL 20.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being All Those Portions of Block 77 in the Town of Dundas as shown on a map of the Registry Office prepared according to the directions of the Municipality of the Town of Dundas dated June 13th, 1887, formerly in Lot Eighteen, Concession One, in the Township of West Flamboro in the County of Wentworth in the Province of Ontario having an area of 5.484 (exclusive of exceptions) acres more or less, as shown coloured yellow on the Plan of Survey P-1640-12, and more particularly described as follows: commencing where a Department of Highways monument is planted at the intersection of the eastern limit of the lands of James Alfred Norton, according to registered Deed No. 13456, (Dundas) and the northern limit of the lands of the Toronto Hamilton and Buffalo Railway Company according to registered Deed No. 14773 (Dundas) said Department of Highways Monument being the following courses from the intersection of the eastern limit of East Street and the northern limit of Dundas Street (the road allowance between the Townships of West Flamboro and Ancaster) in the said Town of Dundas, north 76° 55' east along the said northern limit of Dundas Street 1337.17 feet and north 19° 51' west 18.00 feet; thence along the said eastern limit of the lands of James Alfred Norton north 19° 51' west 497.20 feet to a Department of Highways Monument planted in the southern limit of the lands formerly belonging to the Desjardins Canal Company (now said to belong to the Town of Dundas) the last said Department of Highways Monument being at the northwestern angle of the lands of the Department of Highways according to registered Deed No. 15549 (Dundas); thence along the last said southern limit the following courses:

South 68° 00' 30" west 560.30 feet to a Department of Highways Monument and south 64° 57' 30" west 286.30 feet to a Department of Highways Monument planted in the western limit of said lands of James Alfred Norton, the last said Department of Highways Monument being at the northeastern angle of the lands of the Department of Highways according to registered Deed No. 15410 and also being the following courses from the said intersection of the eastern limit of East Street and the northern limit of Dundas Street;

North 12° 55' west along the said eastern limit of East Street, 330.05 feet; north 76° 56' east along the said southern limit of the lands formerly belonging to the Desjardins Canal Company 316.8 feet and north 61° 03' east continuing along the same limit 129.80 feet; thence along the said western limit of the lands of James Alfred Norton the following courses:

South $24^{\circ} 51'$ east 160.72 feet and south $12^{\circ} 41'$ west 145.76 feet to a Department of Highways Monument planted in the northern limit of the lands of the Toronto, Hamilton and Buffalo Railway Company, according to registered Deed No. 14357 (Dundas); thence along the last mentioned limit the following courses:

South $88^{\circ} 36'$ east 65.37 feet to a Department of Highways Monument and north $80^{\circ} 12'$ east 317.00 feet to a standard iron bar planted in the western limit of the lands of the Toronto, Hamilton and Buffalo Railway Company according to registered Deed No. 14773 (Dundas); thence along the last mentioned limit north $10^{\circ} 07'$ west 1.80 feet to a Department of Highways Monument planted in the northern limit of the lands of the said Railway Company; thence along the last mentioned limit north $79^{\circ} 42' 30''$ east 543.57 feet to the point of commencement.

SAVING AND EXCEPTING out of the above described parcel of land all that portion of the lands of the Department of Highways acquired by Deposited Plan Number 187 Miscellaneous; ALSO SAVE AND EXCEPTING out of the above described parcel of land all that portion of the travelled road and of the former travelled road across said Block 77.

THE ABOVE DESCRIBED PARCELS being subject to the Low Tension Line Easement of the Hydro Electric Power Commission and of the Hamilton Cataract Power Light and Traction Company Limited

SUBJECT to the provisos contained in deed dated — August 1938 and registered as Number 15668, Town of Dundas.

BILL

An Act respecting the Royal Botanical
Gardens.

1st Reading

March 18th, 1941

2nd Reading

March 28th, 1941

3rd Reading

April 1st, 1941

MR. NEWLANDS

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Legislative Assembly Act.

MR. HEPBURN (Elgin)

BILL

An Act to amend The Legislative Assembly Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 12, s. 14,
amended.

1. Section 14 of *The Legislative Assembly Act* is amended by striking out the words "within three months after the day fixed for polling at a general election and before the opening of the first session held after such date" in the third, fourth and fifth lines, so that the said section shall now read as follows:

Re-election
unnecessary
on appoint-
ment to
Executive
Council.

14. Notwithstanding anything in any Act where a member of the Assembly is appointed a member of the Executive Council he shall not, by reason of the acceptance of such appointment, vacate his seat or be disqualified from sitting or voting in the Assembly.

Rev. Stat.,
c. 12, s. 15,
subs. 1,
amended.

2.—(1) Subsection 1 of section 15 of *The Legislative Assembly Act* is amended by striking out the words "by becoming a member of the Executive Council, or" in the first and second lines, and the word "other" in the second line, so that the said subsection shall now read as follows:

Disqualifi-
cation
through
acceptance
of office.

(1) If a member of the Assembly by accepting any office or becoming a party to a contract or agreement as in sections 9 and 10 mentioned, is disqualified by law to continue to sit or vote in the Assembly, his seat shall be vacated; but he may be re-elected if he is not declared ineligible under this Act.

Re-election.

Rev. Stat.,
c. 12, s. 15,
subs. 2,
amended.

(2) Subsection 2 of the said section 15, as amended by section 16 of *The Statute Law Amendment Act, 1939*, is further amended by striking out the words "within one month after his resignation" in the ninth line, and the words "unless the administration of which he was a member has resigned and a new administration occupies the said offices" in the eleventh, twelfth and thirteenth lines, so that the said subsection shall now read as follows:

EXPLANATORY NOTE

These sections are complementary and their purpose is to dispense with a by-election where a member of the Legislative Assembly is appointed a Cabinet Minister regardless of the time which has elapsed since the date of his election.

Saving in
case of
exchange
of offices in
Executive
Council.

- (2) Nevertheless, whenever any person holding the office of President of the Council, Attorney-General, Secretary and Registrar of Ontario, Treasurer of Ontario, Minister of Lands and Forests, Minister of Mines, Minister of Agriculture, Minister of Public Works, Minister of Highways, Minister of Education, Minister of Health, Minister of Municipal Affairs, Minister of Public Welfare, or Minister of Labour, and being at the same time a member of the Assembly, resigns his office, and accepts any other of the said offices, he shall not thereby vacate his seat in the Assembly, and in case a member of the Executive Council holding any one of the said offices, is appointed to hold another office in addition to or in connection with such first mentioned office, he shall not thereby vacate his seat, and any increase or change of emolument arising from the holding of such two offices shall not cause a vacancy or render a re-election necessary.

Short title.

3. This Act may be cited as *The Legislative Assembly Amendment Act, 1941*.



BILL

An Act to amend The Legislative
Assembly Act.

1st Reading

February 19th, 1941

2nd Reading

3rd Reading

MR. HEPBURN (Elgin)

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Legislative Assembly Act.

MR. HEPBURN (Elgin)

BILL

An Act to amend The Legislative Assembly Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 12, s. 14,
amended.

1. Section 14 of *The Legislative Assembly Act* is amended by striking out the words "within three months after the day fixed for polling at a general election and before the opening of the first session held after such date" in the third, fourth and fifth lines, so that the said section shall now read as follows:

Re-election
unnecessary
on appoint-
ment to
Executive
Council.

14. Notwithstanding anything in any Act where a member of the Assembly is appointed a member of the Executive Council he shall not, by reason of the acceptance of such appointment, vacate his seat or be disqualified from sitting or voting in the Assembly.

Rev. Stat.,
c. 12, s. 15,
subs. 1,
amended.

2.—(1) Subsection 1 of section 15 of *The Legislative Assembly Act* is amended by striking out the words "by becoming a member of the Executive Council, or" in the first and second lines, and the word "other" in the second line, so that the said subsection shall now read as follows:

Disqualifi-
cation
through
acceptance
of office.

(1) If a member of the Assembly by accepting any office or becoming a party to a contract or agreement as in sections 9 and 10 mentioned, is disqualified by law to continue to sit or vote in the Assembly, his seat shall be vacated; but he may be re-elected if he is not declared ineligible under this Act.

Re-election.

Rev. Stat.,
c. 12, s. 15,
subs. 2,
amended.

(2) Subsection 2 of the said section 15, as amended by section 16 of *The Statute Law Amendment Act, 1939*, is further amended by striking out the words "within one month after his resignation" in the ninth line, and the words "unless the administration of which he was a member has resigned and a new administration occupies the said offices" in the eleventh, twelfth and thirteenth lines, so that the said subsection shall now read as follows:

- (2) Nevertheless, whenever any person holding the office of President of the Council, Attorney-General, Secretary and Registrar of Ontario, Treasurer of Ontario, Minister of Lands and Forests, Minister of Mines, Minister of Agriculture, Minister of Public Works, Minister of Highways, Minister of Education, Minister of Health, Minister of Municipal Affairs, Minister of Public Welfare, or Minister of Labour, and being at the same time a member of the Assembly, resigns his office, and accepts any other of the said offices, he shall not thereby vacate his seat in the Assembly, and in case a member of the Executive Council holding any one of the said offices, is appointed to hold another office in addition to or in connection with such first mentioned office, he shall not thereby vacate his seat, and any increase or change of emolument arising from the holding of such two offices shall not cause a vacancy or render a re-election necessary.

Saving in
case of
exchange
of offices in
Executive
Council.

3. This Act may be cited as *The Legislative Assembly Amendment Act, 1941*. Short title.

BILL

An Act to amend The Legislative Assembly Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 12, s. 14,
amended.

1. Section 14 of *The Legislative Assembly Act* is amended by striking out the words "within three months after the day fixed for polling at a general election and before the opening of the first session held after such date" in the third, fourth and fifth lines, so that the said section shall now read as follows:

Re-election
unnecessary
on appoint-
ment to
Executive
Council.

14. Notwithstanding anything in any Act where a member of the Assembly is appointed a member of the Executive Council he shall not, by reason of the acceptance of such appointment, vacate his seat or be disqualified from sitting or voting in the Assembly.

Rev. Stat.,
c. 12, s. 15,
subs. 1,
amended.

2.—(1) Subsection 1 of section 15 of *The Legislative Assembly Act* is amended by striking out the words "by becoming a member of the Executive Council, or" in the first and second lines, and the word "other" in the second line, so that the said subsection shall now read as follows:

Disqualifi-
cation
through
acceptance
of office.

(1) If a member of the Assembly by accepting any office or becoming a party to a contract or agreement as in sections 9 and 10 mentioned, is disqualified by law to continue to sit or vote in the Assembly, his seat shall be vacated; but he may be re-elected if he is not declared ineligible under this Act.

Re-election.

Rev. Stat.,
c. 12, s. 15,
subs. 2,
amended.

(2) Subsection 2 of the said section 15, as amended by section 16 of *The Statute Law Amendment Act, 1939*, is further amended by striking out the words "within one month after his resignation" in the ninth line, and the words "unless the administration of which he was a member has resigned and a new administration occupies the said offices" in the eleventh, twelfth and thirteenth lines, so that the said subsection shall now read as follows:

- (2) Nevertheless, whenever any person holding the office of President of the Council, Attorney-General, Secretary and Registrar of Ontario, Treasurer of Ontario, Minister of Lands and Forests, Minister of Mines, Minister of Agriculture, Minister of Public Works, Minister of Highways, Minister of Education, Minister of Health, Minister of Municipal Affairs, Minister of Public Welfare, or Minister of Labour, and being at the same time a member of the Assembly, resigns his office, and accepts any other of the said offices, he shall not thereby vacate his seat in the Assembly, and in case a member of the Executive Council holding any one of the said offices, is appointed to hold another office in addition to or in connection with such first mentioned office, he shall not thereby vacate his seat, and any increase or change of emolument arising from the holding of such two offices shall not cause a vacancy or render a re-election necessary.

Saving in
case of
exchange
of offices in
Executive
Council.

3. This Act may be cited as *The Legislative Assembly Amendment Act, 1941*. Short title.

BILL

An Act to amend The Legislative
Assembly Act.

1st Reading

February 19th, 1941

2nd Reading

February 26th, 1941

3rd Reading

March 3rd, 1941

MR. HEPBURN (Elgin)

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Sheriffs Act.

MR. CONANT

No. 26

1941

BILL

An Act to amend The Sheriffs Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 17, s. 27,
amended.

1. Section 27 of *The Sheriffs Act* is amended by striking out the words "of the court crier and" in the second line so that the said section shall now read as follows:

Appoint-
ment of
constables.

27. The sheriff shall have the appointment and control of the constables at the sittings of the High Court, the county court, the court of general sessions of the peace, and other courts at which the attendance of the sheriff is required.

Rev. Stat.,
c. 17,
amended.

2. *The Sheriffs Act* is amended by adding thereto the following section:

Office of
court crier
abolished.

27a. The office of court crier is abolished and the duties which a court crier was required to perform in any court prior to the 1st day of July, 1941, shall be performed by the clerk or registrar of such court.

Rev. Stat.,
o. 17, s. 38,
cl. b, re-
pealed.

3. Clause *b* of section 38 of *The Sheriffs Act* is repealed.

Commence-
ment of Act.

4. This Act shall come into force on the 1st day of July, 1941.

Short title.

5. This Act may be cited as *The Sheriffs Amendment Act, 1941*.

EXPLANATORY NOTE

The office of court crier is abolished as of the 1st day of July, 1941, and the duties formerly performed by the court crier shall thereafter be performed by the clerk or registrar of the court. This Bill is complementary to Bill No. 27, "An Act to amend The Administration of Justice Expenses Act."

BILL

An Act to amend The Sheriffs Act.

1st Reading

February 21st, 1941

2nd Reading

3rd Reading

MR. CONANT

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Sheriffs Act.

MR. CONANT

BILL

An Act to amend The Sheriffs Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 17, s. 27,
amended.

1. Section 27 of *The Sheriffs Act* is amended by striking out the words "of the court crier and" in the second line so that the said section shall now read as follows:

Appoint-
ment of
constables.

27. The sheriff shall have the appointment and control of the constables at the sittings of the High Court, the county court, the court of general sessions of the peace, and other courts at which the attendance of the sheriff is required.

Rev. Stat.,
c. 17,
amended.

2. *The Sheriffs Act* is amended by adding thereto the following section:

Office of
court crier
abolished.

27a. The office of court crier is abolished and the duties which a court crier was required to perform in any court prior to the 1st day of July, 1941, shall be performed by the clerk or registrar of such court.

Rev. Stat.,
c. 17, s. 38,
cl. b, re-
pealed.

3. Clause *b* of section 38 of *The Sheriffs Act* is repealed.

Commence-
ment of Act.

4. This Act shall come into force on the 1st day of July, 1941.

Short title.

5. This Act may be cited as *The Sheriffs Amendment Act, 1941*.

BILL

An Act to amend The Sheriffs Act.

1st Reading

February 21st, 1941

2nd Reading

February 24th, 1941

3rd Reading

March 3rd, 1941

MR. CONANT

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Administration of Justice Expenses Act.

MR. CONANT

BILL

An Act to amend The Administration of Justice Expenses Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 141, s. 2,
subs. 1,
amended.

1. Subsection 1 of section 2 of *The Administration of Justice Expenses Act* is amended by striking out the words "constables and criers" in the third and fourth lines and inserting in lieu thereof the words "and constables", so that the said subsection shall now read as follows:

Fees in
criminal
matters—
to sheriffs,
Crown
attorneys,
coroners,
clerks of
the peace,
etc.

(1) Subject to such rules the table of fees in Schedule A shall be the fees to be taken by sheriffs, coroners, clerks of the peace, Crown attorneys, clerks of courts and constables respectively for the services therein mentioned, in respect of any business transacted by them in any such prosecution, matter or proceeding, and in the proceedings in the county or district court judges' criminal court and before coroners, police magistrates and justices of the peace.

Rev. Stat.,
c. 141, s. 6,
subs. 2,
repealed.

2. Subsection 2 of section 6 of *The Administration of Justice Expenses Act* is repealed.

Rev. Stat.,
c. 141,
Schedules
A, C,
amended.

3. The heading "Criers" where it appears in Schedule A and Schedule C to *The Administration of Justice Expenses Act*, and all items appearing under such heading in each of such Schedules, are repealed.

Commence-
ment of Act.

4. This Act shall come into force on the 1st day of July, 1941.

Short title.

5. This Act may be cited as *The Administration of Justice Expenses Amendment Act, 1941*.

EXPLANATORY NOTE

This Bill is complementary to Bill No. 26 which abolishes the office of court crier as of July 1st, 1941.

BILL

An Act to amend The Administration of
Justice Expenses Act.

1st Reading

February 21st, 1941

2nd Reading

3rd Reading

MR. CONANT

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Administration of Justice Expenses Act.

MR. CONANT

BILL

An Act to amend The Administration of Justice Expenses Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 141, s. 2,
subs. 1,
amended.

1. Subsection 1 of section 2 of *The Administration of Justice Expenses Act* is amended by striking out the words "constables and criers" in the third and fourth lines and inserting in lieu thereof the words "and constables", so that the said subsection shall now read as follows:

Fees in
criminal
matters—
to sheriffs,
Crown
attorneys,
coroners,
clerks of
the peace,
etc.

(1) Subject to such rules the table of fees in Schedule A shall be the fees to be taken by sheriffs, coroners, clerks of the peace, Crown attorneys, clerks of courts and constables respectively for the services therein mentioned, in respect of any business transacted by them in any such prosecution, matter or proceeding, and in the proceedings in the county or district court judges' criminal court and before coroners, police magistrates and justices of the peace.

Rev. Stat.,
c. 141, s. 6,
subs. 2,
repealed.

2. Subsection 2 of section 6 of *The Administration of Justice Expenses Act* is repealed.

Rev. Stat.,
c. 141,
Schedules
A, C,
amended.

3. The heading "Criers" where it appears in Schedule A and Schedule C to *The Administration of Justice Expenses Act*, and all items appearing under such heading in each of such Schedules, are repealed.

Commence-
ment of Act.

4. This Act shall come into force on the 1st day of July, 1941.

Short title.

5. This Act may be cited as *The Administration of Justice Expenses Amendment Act, 1941*.

BILL

An Act to amend The Administration of
Justice Expenses Act.

1st Reading

February 21st, 1941

2nd Reading

February 24th, 1941

3rd Reading

March 3rd, 1941

MR. CONANT

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The County Judges Act.

MR. CONANT

BILL

An Act to amend The County Judges Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 102, s. 20,
amended.

1. Section 20 of *The County Judges Act* is amended by striking out the words "division courts, courts for the hearing of appeals and complaints under *The Assessment Act* or *The Voters' Lists Act*, and all other courts which a county judge may hold in each county" in the second, third, fourth and fifth lines and inserting in lieu thereof the words "of the peace and county court judges' criminal courts", so that the said section shall now read as follows:

Holding
of courts
in districts.

20. After the erection of a county court district, the several county courts, courts of general sessions of the peace and county court judges' criminal courts shall be held by the judges, including the junior judges in the district, in rotation so far as may be practicable in view of the respective general length of service and strength of the other judges, and the special duties assigned to junior judges as well as in view of other offices, if any, held by any of the judges, and all other circumstances.

Short title.

2. This Act may be cited as *The County Judges Amendment Act, 1941*.

EXPLANATORY NOTE

The effect of the amendment is that the general interchange of judges in county court districts shall apply only to the county courts, courts of general sessions of the peace and county court judges' criminal courts.

BILL

An Act to amend The County Judges Act.

1st Reading

February 21st, 1941

2nd Reading

3rd Reading

MR. CONANT

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The County Judges Act.

MR. CONANT

No. 28

1941

BILL

An Act to amend The County Judges Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 102, s. 20,
amended.

1. Section 20 of *The County Judges Act* is amended by striking out the words "division courts, courts for the hearing of appeals and complaints under *The Assessment Act* or *The Voters' Lists Act*, and all other courts which a county judge may hold in each county" in the second, third, fourth and fifth lines and inserting in lieu thereof the words "of the peace and county court judges' criminal courts", so that the said section shall now read as follows:

Holding
of courts
in districts.

20. After the erection of a county court district, the several county courts, courts of general sessions of the peace and county court judges' criminal courts shall be held by the judges, including the junior judges in the district, in rotation so far as may be practicable in view of the respective general length of service and strength of the other judges, and the special duties assigned to junior judges as well as in view of other offices, if any, held by any of the judges, and all other circumstances.

Short title.

2. This Act may be cited as *The County Judges Amendment Act, 1941*.

BILL

An Act to amend The County Judges Act.

1st Reading

February 21st, 1941

2nd Reading

February 24th, 1941

3rd Reading

March 3rd, 1941

MR. CONANT

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

The Mortgagors' and Purchasers' Relief Act, 1941.

MR. CONANT

BILL

The Mortgagors' and Purchasers' Relief Act, 1941.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1933, c. 35,
continued
in force.

1934, c. 33;
1935, c. 41;
1936, c. 38;
1937, c. 45;
1938, c. 21;
1939, c. 29;
1940, c. 17.

1. Notwithstanding anything contained in section 36 of *The Mortgagors' and Purchasers' Relief Act, 1933*, *The Mortgagors' and Purchasers' Relief Act, 1934*, *The Mortgagors' and Purchasers' Relief Act, 1935*, section 3 of *The Mortgagors' and Purchasers' Relief Amendment Act, 1936*, *The Mortgagors' and Purchasers' Relief Act, 1937*, *The Mortgagors' and Purchasers' Relief Act, 1938*, section 3 of *The Mortgagors' and Purchasers' Relief Act, 1939*, or *The Mortgagors' and Purchasers' Relief Act, 1940*, all the provisions of *The Mortgagors' and Purchasers' Relief Act, 1933*, shall continue in force and have effect until the 30th day of June, 1942.

Short title.

2. This Act may be cited as *The Mortgagors' and Purchasers' Relief Act, 1941*.

EXPLANATORY NOTE

This Bill extends *The Mortgagors' and Purchasers' Relief Act, 1933*, until the 30th day of June, 1942.

BILL

The Mortgagees' and Purchasers'
Relief Act, 1941.

1st Reading

February 21st, 1941

2nd Reading

3rd Reading

MR. CONANT

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

The Mortgagors' and Purchasers' Relief Act, 1941.

MR. CONANT

No. 29

1941

BILL

The Mortgagors' and Purchasers' Relief Act, 1941.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1933, c. 35,
continued
in force.

1934, c. 33;
1935, c. 41;
1936, c. 38;
1937, c. 45;
1938, c. 21;
1939, c. 29;
1940, c. 17.

1. Notwithstanding anything contained in section 36 of *The Mortgagors' and Purchasers' Relief Act, 1933*, *The Mortgagors' and Purchasers' Relief Act, 1934*, *The Mortgagors' and Purchasers' Relief Act, 1935*, section 3 of *The Mortgagors' and Purchasers' Relief Amendment Act, 1936*, *The Mortgagors' and Purchasers' Relief Act, 1937*, *The Mortgagors' and Purchasers' Relief Act, 1938*, section 3 of *The Mortgagors' and Purchasers' Relief Act, 1939*, or *The Mortgagors' and Purchasers' Relief Act, 1940*, all the provisions of *The Mortgagors' and Purchasers' Relief Act, 1933*, shall continue in force and have effect until the 30th day of June, 1942.

Short title.

2. This Act may be cited as *The Mortgagors' and Purchasers' Relief Act, 1941*.

BILL

The Mortgagees' and Purchasers'
Relief Act, 1941.

1st Reading

February 21st, 1941

2nd Reading

February 24th, 1941

3rd Reading

March 3rd, 1941

MR. CONANT

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Surrogate Courts Act.

MR. CONANT

BILL

An Act to amend The Surrogate Courts Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 106, s. 29,
subs. 3,
amended.

1.—(1) Subsection 3 of section 29 of *The Surrogate Courts Act* is amended by striking out all the words after the symbol and figures "\$200" in the fifth line and inserting in lieu thereof the words "provided that notice of any such appeal taken by any person shall be served within fourteen days from the date of service upon him of a copy of the order, decision or determination and every such appeal shall be upon seven clear days' notice and shall be returnable within one month from the date of service of such copy of the order, decision or determination," so that the said subsection shall now read as follows:

Appeal from
audit of
accounts,
adjudication
of claim, or
adjudication
on title when
amount ex-
ceeds \$200.

Proviso.

(3) An appeal shall also lie to a judge of the Supreme Court from any order, decision or determination of the judge of a surrogate court, on the taking of accounts or upon an adjudication or to a claim or demand or as to the title to any property if the amount involved exceeds \$200, provided that notice of any such appeal taken by any person shall be served within fourteen days from the date of service upon him of a copy of the order, decision or determination and every such appeal shall be upon seven clear days' notice and shall be returnable within one month from the date of service of such copy of the order, decision or determination.

Rev. Stat.,
c. 106, s. 29,
amended.

(2) The said section 29 is amended by adding thereto the following subsections:

Service of
order, etc.

(4) A copy of any order, decision or determination mentioned in subsection 3 shall be served upon such persons as the judge of the surrogate court may direct by prepaid registered mail or in such other manner as the judge may determine.

EXPLANATORY NOTE

Because of the variation in practice in the surrogate court and the Supreme Court, the section providing for an appeal from a surrogate court judge to a judge of the Supreme Court is unsatisfactory. The amendment corrects the situation.

Enlargement
of time.

- (5) A judge of the Supreme Court may enlarge the time prescribed by this section for doing any act or taking any proceeding and this power may be exercised although the application is made after the expiration of the time prescribed.

Short title.

2. This Act may be cited as *The Surrogate Courts Amendment Act, 1941*.



BILL

An Act to amend The Surrogate
Courts Act.

1st Reading

February 21st, 1941

2nd Reading

3rd Reading

MR. CONANT

No. 30

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Surrogate Courts Act.

MR. CONANT

BILL

An Act to amend The Surrogate Courts Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 106, s. 29,
subs. 3,
amended.

1.—(1) Subsection 3 of section 29 of *The Surrogate Courts Act* is amended by striking out all the words after the symbol and figures "\$200" in the fifth line and inserting in lieu thereof the words "provided that notice of any such appeal taken by any person shall be served within fourteen days from the date of service upon him of a copy of the order, decision or determination and every such appeal shall be upon seven clear days' notice and shall be returnable within one month from the date of service of such copy of the order, decision or determination," so that the said subsection shall now read as follows:

Appeal from
audit of
accounts,
adjudication
of claim, or
adjudication
on title when
amount ex-
ceeds \$200.

Proviso.

(3) An appeal shall also lie to a judge of the Supreme Court from any order, decision or determination of the judge of a surrogate court, on the taking of accounts or upon an adjudication as to a claim or demand or as to the title to any property if the amount involved exceeds \$200, provided that notice of any such appeal taken by any person shall be served within fourteen days from the date of service upon him of a copy of the order, decision or determination and every such appeal shall be upon seven clear days' notice and shall be returnable within one month from the date of service of such copy of the order, decision or determination.

Rev. Stat.,
c. 106, s. 29,
amended.

(2) The said section 29 is amended by adding thereto the following subsections:

Service of
order, etc.

(4) A copy of any order, decision or determination mentioned in subsection 3 shall be served upon such persons as the judge of the surrogate court may direct by prepaid registered mail or in such other manner as the judge may determine.

- (5) A judge of the Supreme Court may enlarge the time ^{Enlargement of time.} prescribed by this section for doing any act or taking any proceeding and this power may be exercised although the application is made after the expiration of the time prescribed.

2. This Act may be cited as *The Surrogate Courts Amendment Act, 1941.* ^{Short title.}

BILL

An Act to amend The Surrogate
Courts Act.

1st Reading

February 21st, 1941

2nd Reading

February 24th, 1941

3rd Reading

March 3rd, 1941

MR. CONANT

No. 31

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Registry Act.

MR. CONANT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Registry Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 170, s. 51,
subs. 1a,
(1939,
c. 40, s. 5,
subs. 1),
amended.

1. Subsection 1a of section 51 of *The Registry Act* as enacted by subsection 1 of section 5 of *The Registry Amendment Act, 1939*, is amended by striking out the words "by such man that he is married, that the person joining therein to bar dower is his lawful wife and that he is of the full age of twenty-one years" in the sixth, seventh and eighth lines, and inserting in lieu thereof the words "of such man or of the person joining therein as his wife to bar her dower deposing or declaring that they are legally married and that such man is of the full age of twenty-one years", so that the said subsection shall now read as follows:

Affidavit or
declaration
as to
marriage.

(1a) Where an assurance, deed, conveyance, mortgage, release or quit claim is made by a man and someone joins therein as his wife to bar dower, it shall not be registered unless there be made on or securely attached to it an affidavit or statutory declaration of such man or of the person joining therein as his wife to bar her dower deposing or declaring that they are legally married and that such man is of the full age of twenty-one years.

Rev. Stat.,
c. 170, s. 56,
subs. 6,
amended.

2. Subsection 6 of section 56 of *The Registry Act* is amended by striking out the word "and" in the twenty-first line and inserting in lieu thereof the word "land".

Short title.

3. This Act may be cited as *The Registry Amendment Act, 1941*.

EXPLANATORY NOTES

SECTION 1. Where a man makes a conveyance and his wife joins to bar her dower, he is required to take an affidavit as to the marriage and as to his own age. The amendment permits the wife to take the affidavit.

SECTION 2. An error in printing is corrected.

BILL

An Act to amend The Registry Act.

1st Reading.

February 21st, 1941

2nd Reading

3rd Reading

MR. CONANT

No. 31

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Registry Act.

MR. CONANT

BILL

An Act to amend The Registry Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 170, s. 51,
subs. 1a,
(1939,
c. 40, s. 5,
subs. 1),
amended.

1. Subsection 1a of section 51 of *The Registry Act* as enacted by subsection 1 of section 5 of *The Registry Amendment Act, 1939*, is amended by striking out the words "by such man that he is married, that the person joining therein to bar dower is his lawful wife and that he is of the full age of twenty-one years" in the sixth, seventh and eighth lines, and inserting in lieu thereof the words "of such man or of the person joining therein as his wife to bar her dower deposing or declaring that they are legally married and that such man is of the full age of twenty-one years", so that the said subsection shall now read as follows:

Affidavit or
declaration
as to
marriage.

(1a) Where an assurance, deed, conveyance, mortgage, release or quit claim is made by a man and someone joins therein as his wife to bar dower, it shall not be registered unless there be made on or securely attached to it an affidavit or statutory declaration of such man or of the person joining therein as his wife to bar her dower deposing or declaring that they are legally married and that such man is of the full age of twenty-one years.

Rev. Stat.,
c. 170, s. 56,
subs. 6,
amended.

2. Subsection 6 of section 56 of *The Registry Act* is amended by striking out the word "and" in the twenty-first line and inserting in lieu thereof the word "land".

Short title.

3. This Act may be cited as *The Registry Amendment Act, 1941*.

BILL

An Act to amend The Registry Act.

1st Reading

February 21st, 1941

2nd Reading

February 24th, 1941

3rd Reading

March 3rd, 1941

MR. CONANT

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Devolution of Estates Act.

MR. CONANT

BILL

An Act to amend The Devolution of Estates Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 163, s. 29,
amended.

1. Section 29 of *The Devolution of Estates Act* is amended by striking out the word "one-half" in the eighth line and inserting in lieu thereof the word "two-thirds", so that the said section shall now read as follows:

Distribution
of personal
estate.

29. Except as in this Act is otherwise provided the personal property of a person dying intestate shall be distributed as follows, that is to say: one-third to the wife of the intestate and all the residue by equal portions among the children of the intestate and such persons as legally represent such children in case any of them have died in his lifetime, and if there are no children or any legal representatives of them then two-thirds of the personal property shall be allotted to the wife, and the residue thereof shall be distributed equally to every of the next of kindred of the intestate who are of equal degree and those who legally represent them, and for the purpose of this section the father and the mother and the brothers and sisters of the intestate shall be deemed of equal degree; but there shall be no representations admitted among collaterals after brothers' and sisters' children, and if there is no wife then all such personal property shall be distributed equally among the children, and if there is no child then to the next of kindred in equal degree of or unto the intestate and their legal representatives and in no other manner; provided that if there is only one child or legal representatives of only one child the personal property of a person dying intestate shall be distributed as follows, that is to say: one-half to the wife of the intestate and the other half to such child or the legal representatives of such child.

Short title.

2. This Act may be cited as *The Devolution of Estates Amendment Act, 1941*.

EXPLANATORY NOTE

Where a man dies intestate leaving a widow but no children, the widow is entitled to the first \$1,000 and one-half the remaining estate and the residue is distributed equally among the next of kin. By the amendment, the widow will receive the first \$1,000 and two-thirds of the remaining estate.

BILL

An Act to amend The Devolution of
Estates Act.

1st Reading

February 21st, 1941

2nd Reading

3rd Reading

MR. CONANT

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Devolution of Estates Act.

MR. CONANT

BILL

An Act to amend The Devolution of Estates Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 163, s. 11,
subs. 1, 2
and 3,
amended.

1. Section 11 of *The Devolution of Estates Act* is amended by striking out the words "but no issue" in the second line of subsection 1 and inserting in lieu thereof the words "whether or not he leaves issue", and by striking out the symbol and figures "\$1,000" where they occur in the fourth line of subsection 1, in the first and second lines of subsection 2 and in the fourth line of subsection 3 and inserting in lieu thereof the symbol and figures "\$5,000", so that subsections 1, 2 and 3 of the said section shall now read as follows:

Widow's
preferential
share where
estate does
not exceed
\$5,000.

(1) The real and personal property of every man dying intestate and leaving a widow, whether or not he leaves issue, shall, where the net value of such real and personal property does not exceed \$5,000, belong to his widow absolutely and exclusively.

Where estate
exceeds
\$5,000.

(2) Where the net value exceeds \$5,000 the widow shall be entitled to \$5,000 part thereof, absolutely and exclusively, and shall have charge thereon for such sum with interest thereon from the date of the death of the intestate at four per centum per annum until payment.

Widow's
share in
remainder
of estate.

(3) The provision for the widow made by this section shall be in addition and without prejudice to her interest and share in the residue of the real and personal property of the intestate remaining after payment of such sum of \$5,000 and interest in the same way as if such residue had been the whole of the intestate's real and personal property, and this section had not been enacted.

Rev. Stat.,
c. 163, s. 29,
amended.

2. Section 29 of *The Devolution of Estates Act* is amended by striking out the word "one-half" in the eighth line and inserting in lieu thereof the word "two-thirds", so that the said section shall now read as follows:

29. Except as in this Act is otherwise provided the personal property of a person dying intestate shall be ^{Distribution of personal estate.} distributed as follows, that is to say: one-third to the wife of the intestate and all the residue by equal portions among the children of the intestate and such persons as legally represent such children in case any of them have died in his lifetime, and if there are no children or any legal representatives of them then two-thirds of the personal property shall be allotted to the wife, and the residue thereof shall be distributed equally to every of the next of kindred of the intestate who are of equal degree and those who legally represent them, and for the purpose of this section the father and the mother and the brothers and sisters of the intestate shall be deemed of equal degree; but there shall be no representations admitted among collaterals after brothers' and sisters' children, and if there is no wife then all such personal property shall be distributed equally among the children, and if there is no child then to the next of kindred in equal degree of or unto the intestate and their legal representatives and in no other manner; provided that if there is only one child or legal representatives of only one child the personal property of a person dying intestate shall be distributed as follows, that is to say: one-half to the wife of the intestate and the other half to such child or the legal representatives of such child.

3. This Act may be cited as *The Devolution of Estates* ^{Short title.} *Amendment Act, 1941.*

BILL

An Act to amend The Devolution of
Estates Act.

1st Reading

February 21st, 1941

2nd Reading

February 28th, 1941

3rd Reading

April 1st, 1941

MR. CONANT

No. 33

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Public Health Act.

MR. KIRBY

BILL

An Act to amend The Public Health Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 299, s. 1,
amended.

1. Section 1 of *The Public Health Act* is amended by adding thereto the following clause:

"Food and
dairy
inspector."

(cc) "Food and dairy inspector" shall mean food and dairy inspector appointed under this Act.

Rev. Stat.,
c. 299, s. 5,
cl. 2c,
(1938, c. 30,
s. 3),
amended.

2.—(1) Clause 2c of section 5 of *The Public Health Act* as enacted by section 3 of *The Public Health Amendment Act, 1938*, is amended by inserting after the word "inspectors" in the third line the words "food and dairy inspectors", so that the said clause shall now read as follows:

Courses for
medical
officers, etc.

(zc) providing for courses of instruction and prescribing qualifications for medical officers of health, sanitary inspectors, food and dairy inspectors and public health nurses.

Rev. Stat.,
c. 299, s. 5,
amended.

(2) The said section 5 is amended by adding thereto the following clauses:

Qualifica-
tions of
laboratory
personnel.

(zg) prescribing qualifications for persons operating or engaged in diagnostic or public health laboratories;

Medical
officers,—
general.

(zh) prescribing the duties of medical officers of health, sanitary inspectors, food and dairy inspectors and public health nurses, in relation to public health matters not specifically provided for by this Act.

Rev. Stat.,
c. 299, s. 34,
subs. 5,
amended.

3. Subsection 5 of section 34 of *The Public Health Act* is amended by inserting after the word "appoint" in the second line the words "one or more food and dairy inspectors", so that the said subsection shall now read as follows:

EXPLANATORY NOTES

SECTION 1, Subsection 1 of SECTION 2, and SECTIONS 3, 6, 7, 8, 9 and 10. Provision is made for the appointment of food and dairy inspectors by councils of local municipalities or local boards of health.

SECTION 2—Subsection 2. The Minister, with the approval of the Lieutenant-Governor in Council, is authorized to prescribe the qualifications of persons operating or engaged in diagnostic or public health laboratories. The Minister is also so authorized to prescribe the duties of medical officers of health, sanitary inspectors, food and dairy inspectors and public health nurses in relation to public health matters not specifically provided for by the Act.

Appointment of inspectors, nurses and physicians by council or local board.

- (5) The council of a city, town, township or village or a local board may appoint one or more food and dairy inspectors, one or more public health nurses, and one or more duly qualified physicians and engage such other services as may, in the opinion of the council or local board, be required for carrying out the provisions of this or any other Act administered by the Department or the regulations made thereunder for the prevention or treatment of disease.

Rev. Stat., c. 299, s. 37, subs. 1, amended.

4.—(1) Subsection 1 of section 37 of *The Public Health Act* is amended by striking out the words "or in an adjoining municipality" in the third line, so that the said subsection shall now read as follows:

Dismissal.

- (1) Every medical officer of health appointed by the council shall hold office during good behaviour and his residence in the municipality, and, if appointed by the Lieutenant-Governor in Council, shall hold office until the 1st day of February in the year following that of his appointment, and no medical officer of health shall be removed from office except on a two-thirds vote of the whole council and with the consent and approval of the Minister, who may require cause to be shown for the dismissal.

Rev. Stat., c. 299, s. 37, subs. 1b, (1938, c. 30, s. 5), amended.

(2) Subsection 1b of the said section 37, as enacted by section 5 of *The Public Health Amendment Act, 1938*, is amended by striking out the words "or in an adjoining municipality" in the second and third lines, and the words "or adjoining municipality" in the sixth and seventh lines, so that the said subsection shall now read as follows:

Appointment out of municipality.

- (1b) Upon evidence satisfactory to the Minister that there is no person residing in a municipality qualified to be medical officer, the Minister may permit the council to appoint as medical officer of the municipality some person residing out of such municipality.

Rev. Stat., c. 299, s. 94, subs. 1, amended.

5. Subsection 1 of section 94 of *The Public Health Act*, as amended by section 4 of *The Public Health Amendment Act, 1939*, is further amended by inserting after the figures "100,000" in the second line the words and figures "or of a township in unorganized territory having a population of 15,000" so that the said subsection shall now read as follows:

Regulation of barber shops, etc.

- (1) The council of any city or town or of any township bordering on a city having a population of not less than 100,000, or of a township in unorganized territory having a population of 15,000, may pass by-laws for regulating the operation of barber shops and

SECTION 4. Provision is made for the appointment of a medical health officer who is not a resident of the municipality where the Minister is satisfied that there is no person residing in the municipality qualified to be medical officer.

SECTION 5. The council of a township in unorganized territory having a population of 15,000 is authorized to pass by-laws for licensing and regulating the operation of barber shops and hairdressing establishments.

hairdressing establishments, and for licensing the owners of such shops and hairdressing establishments, and for revoking the license upon breach of any regulation imposed by the by-law.

Rev. Stat.,
c. 299, s. 95,
subs. 1,
amended.

6.—(1) Subsection 1 of section 95 of *The Public Health Act* is amended by striking out the words “veterinary surgeon or other competent person” in the second line and inserting in lieu thereof the words “food and dairy inspector or other competent person approved by the Department”, so that the said subsection shall now read as follows:

Inspection
of dairies,
etc.

- (1) The medical officer of health may make or cause to be made by a food and dairy inspector or other competent person approved by the Department, an inspection, periodical or otherwise, of all dairies, cheese factories, creameries, dairy farms, slaughter-houses and other lands or premises wherein or from which any milk, cream, cheese, butter, meat or other product intended for human consumption is produced, handled, stored, made, processed, packed, bottled, distributed or delivered, and if upon or as a result of any such inspection he finds that any such building, land or premises, or the equipment, machinery, works or other part of the plant therein, or any other matter or thing therein is in a filthy or unclean state or that the operations carried on therein are not, or cannot be carried on in a sanitary manner, or that persons are employed therein who from incompetency, uncleanness or otherwise are not proper to be employed therein so that from, or by reason of any such matters or things, the public health may be endangered, he may order the owner or occupant of such building, land or premises to remedy such matters or things to his satisfaction, and until such time as he is satisfied that such matters or things are remedied he may prohibit or regulate the distribution, delivery, sale or offering for sale of any products from such building, land or premises.

Rev. Stat.,
c. 299, s. 95,
subs. 3,
repealed.

- (2) Subsection 3 of the said section 95 is repealed.

Rev. Stat.,
c. 299, s. 95a,
subs. 3,
(1938,
c. 30, s. 8),
amended.

7. Subsection 3 of section 95a of *The Public Health Act*, as enacted by section 8 of *The Public Health Amendment Act, 1938*, is amended by inserting after the word “inspector” in the first line the words “food and dairy inspector”, so that the said subsection shall now read as follows:

Seizure
of milk.

- (3) Any medical officer of health, sanitary inspector, food and dairy inspector and any person authorized

by a medical officer of health may, without laying any information or obtaining any warrant, seize and remove any milk sold, offered for sale or delivered, including any container in which such milk is found, for the purpose of causing an analysis of such milk to be made.

Rev. Stat.,
c. 299, s. 109,
subs. 1,
amended.

8. Subsection 1 of section 109 of *The Public Health Act* is amended by inserting after the word "health" in the first line the words "food and dairy inspector", so that the said subsection shall now read as follows:

Inspection
of food
supplies.

- (1) A medical officer of health, food and dairy inspector or sanitary inspector may at all reasonable times inspect or examine any animal, carcass, meat, poultry, game, flesh, fish, fruit, vegetables, grain, bread, flour, milk or other article exposed for sale or deposited in any place for the purpose of sale, or for preparation for sale, and intended for food for man, and if such article appears to him to be diseased, or unsound or unwholesome, or unfit for food for man, he may seize and carry away the same, or cause it to be seized and carried away, in order that it may be destroyed or so disposed of as to prevent it from being exposed for sale or used as food for man.

Rev. Stat.,
c. 299, s. 110,
subs. 1,
amended.

9. Subsection 1 of section 110 of *The Public Health Act* is amended by inserting after the word "health" in the first line the words "food and dairy inspector", so that the said subsection shall now read as follows:

Feeding
certain
things to
hogs.

- (1) Whenever any medical officer of health, food and dairy inspector or sanitary inspector knows or has reason to believe that blood, offal or the meat of any dead animal which has not been previously boiled or steamed when fresh or before becoming putrid or decomposed, or which, although boiled or steamed, is putrid or decomposed, has been or is being fed to hogs, he may seize and carry away the hogs, whether dead or alive, or otherwise detain them so as to prevent their removal.

Rev. Stat.,
c. 299, s. 111,
subs. 1,
amended.

10. Subsection 1 of section 111 of *The Public Health Act* is amended by inserting after the word "health" in the sixth line the words "food and dairy inspector", so that the said subsection shall now read as follows:

Inspection of
slaughter
houses.

- (1) Every butcher and other person selling meat shall on the request of the medical officer of health make affidavit as to the place at which the slaughter of his meat is carried on, and where it is without the limits

of the municipality, such place shall be open to inspection by the medical officer of health, food and dairy inspector or by an inspector appointed by the council of the municipality in which the meat is offered for sale.

Short title. **11.** This Act may be cited as *The Public Health Amendment Act, 1941*.

BILL

An Act to amend The Public Health Act

1st Reading

February 21st, 1941

2nd Reading

3rd Reading

MR. KIRBY

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Public Health Act.

MR. KIRBY

BILL

An Act to amend The Public Health Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 299, s. 1,
amended.

1. Section 1 of *The Public Health Act* is amended by adding thereto the following clause:

"Food and
dairy
inspector."

(cc) "Food and dairy inspector" shall mean food and dairy inspector appointed under this Act.

Rev. Stat.,
c. 299, s. 5,
cl. 2c,
(1938, c. 30,
s. 3),
amended.

2.—(1) Clause 2c of section 5 of *The Public Health Act*, as enacted by section 3 of *The Public Health Amendment Act, 1938*, is amended by inserting after the word "inspectors" in the third line the words "food and dairy inspectors", so that the said clause shall now read as follows:

Courses for
medical
officers,
inspectors
and nurses.

(zc) providing for courses of instruction and prescribing qualifications for medical officers of health, sanitary inspectors, food and dairy inspectors and public health nurses.

Rev. Stat.,
c. 299, s. 5,
amended.

(2) The said section 5 is amended by adding thereto the following clauses:

Qualifica-
tions of
laboratory
personnel.

(zg) prescribing qualifications for persons operating or engaged in diagnostic or public health laboratories;

Medical
officers,—
general.

(zh) prescribing the duties of medical officers of health, sanitary inspectors, food and dairy inspectors and public health nurses, in relation to public health matters not specifically provided for by this Act.

Rev. Stat.,
c. 299, s. 34,
subs. 5,
amended.

3. Subsection 5 of section 34 of *The Public Health Act* is amended by inserting after the word "appoint" in the second line the words "one or more food and dairy inspectors", so that the said subsection shall now read as follows:

- (5) The council of a city, town, township or village or a local board may appoint one or more food and dairy inspectors, one or more public health nurses, and one or more duly qualified physicians and engage such other services as may, in the opinion of the council or local board, be required for carrying out the provisions of this or any other Act administered by the Department or the regulations made thereunder for the prevention or treatment of disease.

Appoint-
ment of
inspectors,
nurses and
physicians
by council
or local
board.

4.—(1) Subsection 1 of section 37 of *The Public Health Act* is amended by striking out the words "or in an adjoining municipality" in the third line, so that the said subsection shall now read as follows:

Rev. Stat.,
c. 299, s. 37,
subs. 1,
amended.

- (1) Every medical officer of health appointed by the council shall hold office during good behaviour and his residence in the municipality, and, if appointed by the Lieutenant-Governor in Council, shall hold office until the 1st day of February in the year following that of his appointment, and no medical officer of health shall be removed from office except on a two-thirds vote of the whole council and with the consent and approval of the Minister, who may require cause to be shown for the dismissal.

Dismissal.

(2) Subsection 1b of the said section 37, as enacted by section 5 of *The Public Health Amendment Act, 1938*, is amended by striking out the words "or in an adjoining municipality" in the second and third lines, and the words "or adjoining municipality" in the sixth and seventh lines, so that the said subsection shall now read as follows:

Rev. Stat.,
o. 299, s. 37,
subs. 1b,
(1938,
c. 30, s. 5),
amended.

- (1b) Upon evidence satisfactory to the Minister that there is no person residing in a municipality qualified to be medical officer, the Minister may permit the council to appoint as medical officer of the municipality some person residing out of such municipality.

Appoint-
ment out
of munici-
pality.

5. Subsection 1 of section 94 of *The Public Health Act*, as amended by section 4 of *The Public Health Amendment Act, 1939*, is further amended by inserting after the figures "100,000" in the second line the words and figures "or of a township in unorganized territory having a population of 15,000" so that the said subsection shall now read as follows:

Rev. Stat.,
c. 299, s. 94,
subs. 1,
amended.

- (1) The council of any city or town or of any township bordering on a city having a population of not less than 100,000, or of a township in unorganized territory having a population of 15,000, may pass by-laws for regulating the operation of barber shops and

Regulation
of barber
shops, etc.

hairdressing establishments, and for licensing the owners of such shops and hairdressing establishments, and for revoking the license upon breach of any regulation imposed by the by-law.

Rev. Stat.,
c. 299, s. 95,
subs. 1,
amended.

6.—(1) Subsection 1 of section 95 of *The Public Health Act* is amended by striking out the words “veterinary surgeon or other competent person” in the second line and inserting in lieu thereof the words “food and dairy inspector or other competent person approved by the Department”, so that the said subsection shall now read as follows:

Inspection
of dairies,
etc.

- (1) The medical officer of health may make or cause to be made by a food and dairy inspector or other competent person approved by the Department, an inspection, periodical or otherwise, of all dairies, cheese factories, creameries, dairy farms, slaughter-houses and other lands or premises wherein or from which any milk, cream, cheese, butter, meat or other product intended for human consumption is produced, handled, stored, made, processed, packed, bottled, distributed or delivered, and if upon or as a result of any such inspection he finds that any such building, land or premises, or the equipment, machinery, works or other part of the plant therein, or any other matter or thing therein is in a filthy or unclean state or that the operations carried on therein are not, or cannot be carried on in a sanitary manner, or that persons are employed therein who from incompetency, uncleanness or otherwise are not proper to be employed therein so that from, or by reason of any such matters or things, the public health may be endangered, he may order the owner or occupant of such building, land or premises to remedy such matters or things to his satisfaction, and until such time as he is satisfied that such matters or things are remedied he may prohibit or regulate the distribution, delivery, sale or offering for sale of any products from such building, land or premises.

Rev. Stat.,
c. 299, s. 95,
subs. 3,
repealed.

- (2) Subsection 3 of the said section 95 is repealed.

Rev. Stat.,
c. 299, s. 95a,
subs. 3,
(1938,
c. 30, s. 8),
amended.

7. Subsection 3 of section 95a of *The Public Health Act*, as enacted by section 8 of *The Public Health Amendment Act, 1938*, is amended by inserting after the word “inspector” in the first line the words “food and dairy inspector”, so that the said subsection shall now read as follows:

Seizure
of milk.

- (3) Any medical officer of health, sanitary inspector, food and dairy inspector and any person authorized

by a medical officer of health may, without laying any information or obtaining any warrant, seize and remove any milk sold, offered for sale or delivered, including any container in which such milk is found, for the purpose of causing an analysis of such milk to be made.

8. Subsection 1 of section 109 of *The Public Health Act* is amended by inserting after the word "health" in the first line the words "food and dairy inspector", so that the said subsection shall now read as follows: Rev. Stat., c. 299, s. 109, subs. 1, amended.

- (1) A medical officer of health, food and dairy inspector or sanitary inspector may at all reasonable times inspect or examine any animal, carcass, meat, poultry, game, flesh, fish, fruit, vegetables, grain, bread, flour, milk or other article exposed for sale or deposited in any place for the purpose of sale, or for preparation for sale, and intended for food for man, and if such article appears to him to be diseased, or unsound or unwholesome, or unfit for food for man, he may seize and carry away the same, or cause it to be seized and carried away, in order that it may be destroyed or so disposed of as to prevent it from being exposed for sale or used as food for man. Inspection of food supplies.

9. Subsection 1 of section 110 of *The Public Health Act* is amended by inserting after the word "health" in the first line the words "food and dairy inspector", so that the said subsection shall now read as follows: Rev. Stat., c. 299, s. 110, subs. 1, amended.

- (1) Whenever any medical officer of health, food and dairy inspector or sanitary inspector knows or has reason to believe that blood, offal or the meat of any dead animal which has not been previously boiled or steamed when fresh or before becoming putrid or decomposed, or which, although boiled or steamed, is putrid or decomposed, has been or is being fed to hogs, he may seize and carry away the hogs, whether dead or alive, or otherwise detain them so as to prevent their removal. Feeding certain things to hogs.

10. Subsection 1 of section 111 of *The Public Health Act* is amended by inserting after the word "health" in the sixth line the words "food and dairy inspector", so that the said subsection shall now read as follows: Rev. Stat., c. 299, s. 111, subs. 1, amended.

- (1) Every butcher and other person selling meat shall on the request of the medical officer of health make affidavit as to the place at which the slaughter of his meat is carried on, and where it is without the limits Inspection of slaughter houses,

of the municipality, such place shall be open to inspection by the medical officer of health, food and dairy inspector or by an inspector appointed by the council of the municipality in which the meat is offered for sale.

Short title. **11.** This Act may be cited as *The Public Health Amendment Act, 1941*.

BILL

An Act to amend The Public Health Act.

1st Reading

February 21st, 1941

2nd Reading

February 26th, 1941

3rd Reading

March 3rd, 1941

MR. KIRBY

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Private Hospitals Act.

MR. KIRBY

BILL

An Act to amend The Private Hospitals Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 391,
s. 1, cl. *h*,
amended.

1. Clause *h* of section 1 of *The Private Hospitals Act* is amended by striking out all the words after the word "include" in the sixteenth line and inserting in lieu thereof the following subclauses:

- (i) every convalescent home, rest home and private sanatorium for consumptives; and
- (ii) any private refuge for the aged or infirm, home, refuge or other hospital or premises which is so designated by the Lieutenant-Governor in Council;

so that the said clause shall now read as follows:

'Private
hospital.'

- (*h*) "Private hospital" shall mean a house in which four or more patients are or may be admitted for treatment other than,—

Rev. Stat.,
c. 300.

- (i) a hospital under *The Public Hospitals Act*;

Rev. Stat.,
c. 395.

- (ii) a sanatorium under *The Sanatoria for Consumptives Act*;

- (iii) a hospital or other establishment or institution wholly or mainly supported by provincial aid;

Rev. Stat.,
c. 394.

- (iv) an institution in respect of which a license under *The Private Sanitaria Act* is in force; or

Rev. Stat.,
c. 266.

- (v) an institution for the reclamation and cure of habitual drunkards established under *The Municipal Act*;

and, without restricting the generality of the foregoing, "private hospital" shall include,

EXPLANATORY NOTES

SECTION 1. The application of the Act to certain types of institutions is clarified by the revised wording.

(i) every convalescent home, rest home and private sanatorium for consumptives; and

(ii) any private refuge for the aged or infirm, home, refuge or other hospital or premises which is so designated by the Lieutenant-Governor in Council.

Rev. Stat.,
c. 391,
s. 2, cl. e,
amended.

2. Clause *e* of section 2 of *The Private Hospitals Act* is amended by adding at the end thereof the words "and for prohibiting the admission of any classification of patients", so that the said clause shall now read as follows:

Regulations.

(e) the admission, treatment, conduct, discipline and discharge of patients and for prohibiting the admission of any classification of patients.

Rev. Stat.,
c. 391, s. 14,
subs. 1, cl. c,
amended.

3. Clause *c* of subsection 1 of section 14 of *The Private Hospitals Act* is amended by inserting after the word "conducted" in the third line the words "in a manner which is contrary to the regulations or", so that the said clause shall now read as follows:

Premises
unsanitary.

(c) in the opinion of an inspector the hospital premises are unsanitary or without proper fire protection, or the private hospital is managed or conducted in a manner which is contrary to the regulations or in such a manner that the revocation of the license is required in the public interest.

Rev. Stat.,
c. 391, s. 16,
subs. 1,
amended.

4. Subsection 1 of section 16 of *The Private Hospitals Act* is amended by striking out the words "trained graduate" where they occur in the fifth line and inserting in lieu thereof the word "registered", so that the said subsection shall now read as follows:

Superin-
tendent of
licensed
hospital.

(1) For every private hospital there shall, if required by the regulations, at all times be a superintendent resident on the premises who may be the licensee himself, if qualified under this section, and shall be either a legally qualified medical practitioner or a registered nurse.

Short title.

5. This Act may be cited as *The Private Hospitals Amendment Act, 1941*.

SECTION 2. The Lieutenant-Governor in Council is authorized to prohibit the admission to private hospitals of any classification of patients.

SECTION 3. The license of a private hospital may be revoked where the hospital is conducted in a manner which is contrary to the regulations.

SECTION 4. In the provision prescribing the qualifications necessary for a superintendent of a private hospital, the term "trained graduate nurse" is altered to read "registered nurse."



An Act to amend The Private
Hospitals Act.

1st Reading

February 21st, 1941

2nd Reading

3rd Reading

MR. KIRBY

No. 34

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Private Hospitals Act.

MR. KIRBY

BILL

An Act to amend The Private Hospitals Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 391,
s. 1, cl. h,
amended.

1. Clause *h* of section 1 of *The Private Hospitals Act* is amended by striking out all the words after the word "include" in the sixteenth line and inserting in lieu thereof the following subclauses:

- (i) every convalescent home, rest home and private sanatorium for consumptives; and
- (ii) any private refuge for the aged or infirm, home, refuge or other hospital or premises which is so designated by the Lieutenant-Governor in Council;

so that the said clause shall now read as follows:

"Private
hospital."

- (h) "Private hospital" shall mean a house in which four or more patients are or may be admitted for treatment other than,—

Rev. Stat.,
c. 390.

- (i) a hospital under *The Public Hospitals Act*;

Rev. Stat.,
c. 395.

- (ii) a sanatorium under *The Sanatoria for Consumptives Act*;

- (iii) a hospital or other establishment or institution wholly or mainly supported by provincial aid;

Rev. Stat.,
c. 394.

- (iv) an institution in respect of which a license under *The Private Sanitaria Act* is in force; or

Rev. Stat.,
c. 266.

- (v) an institution for the reclamation and cure of habitual drunkards established under *The Municipal Act*;

and, without restricting the generality of the foregoing, "private hospital" shall include,

- (i) every convalescent home, rest home and private sanatorium for consumptives; and
- (ii) any private refuge for the aged or infirm, home, refuge or other hospital or premises which is so designated by the Lieutenant-Governor in Council.

2. Clause *e* of section 2 of *The Private Hospitals Act* is amended by adding at the end thereof the words "and for prohibiting the admission of any classification of patients", so that the said clause shall now read as follows:

Rev. Stat.,
c. 391,
s. 2, cl. *e*,
amended.

- (e) the admission, treatment, conduct, discipline and discharge of patients and for prohibiting the admission of any classification of patients.

Regulations.

3. Clause *c* of subsection 1 of section 14 of *The Private Hospitals Act* is amended by inserting after the word "conducted" in the third line the words "in a manner which is contrary to the regulations or", so that the said clause shall now read as follows:

Rev. Stat.,
c. 391, s. 14,
subs. 1, cl. *c*,
amended.

- (c) in the opinion of an inspector the hospital premises are unsanitary or without proper fire protection, or the private hospital is managed or conducted in a manner which is contrary to the regulations or in such a manner that the revocation of the license is required in the public interest.

Premises
unsanitary.

4. Subsection 1 of section 16 of *The Private Hospitals Act* is amended by striking out the words "trained graduate" in the fifth line and inserting in lieu thereof the word "registered", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 391, s. 16,
subs. 1,
amended.

- (1) For every private hospital there shall, if required by the regulations, at all times be a superintendent resident on the premises who may be the licensee himself, if qualified under this section, and shall be either a legally qualified medical practitioner or a registered nurse.

Superintendent of
licensed
hospital.

5. This Act may be cited as *The Private Hospitals Amendment Act, 1941*.

Short title.

BILL

An Act to amend The Private
Hospitals Act.

1st Reading

February 21st, 1941

2nd Reading

February 26th, 1941

3rd Reading

March 3rd, 1941

MR. KIRBY

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Plant Diseases Act.

MR. DEWAN

BILL

An Act to amend The Plant Diseases Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 346, s. 1,
amended.

1. Section 1 of *The Plant Diseases Act* is amended by adding thereto the following clause:

"Provincial
Entomol-
ogist."

(gg) "Provincial Entomologist" shall mean Provincial Entomologist appointed under this Act.

Rev. Stat.,
c. 346, s. 3,
amended.

2. Section 3 of *The Plant Diseases Act* is amended by inserting after the word "appoint" in the second line the words "a provincial entomologist and" so that the said section shall now read as follows:

Appointment
of Provincial
Entomol-
ogist and
inspectors.

3. The Lieutenant-Governor in Council, upon the recommendation of the Minister, may appoint a provincial entomologist and inspectors for the carrying out of the provisions of this Act and the regulations.

Rev. Stat.,
c. 346,
amended.

3. *The Plant Diseases Act* is amended by adding thereto the following section:

Delegation
of Director's
powers.

3a. The Director may delegate to the Provincial Entomologist such of his powers as he deems necessary for the proper enforcement of this Act and the regulations and may at any time terminate such delegation of power.

Rev. Stat.,
c. 346,
amended.

4. *The Plant Diseases Act* is further amended by adding thereto the following section:

Municipal
inspectors to
observe Act
and regula-
tions.

4a. Every inspector appointed by a municipal council under this Act shall be subject to and observe this Act and the regulations and shall be subordinate to the Provincial Entomologist and shall carry out instructions given by the Provincial Entomologist

EXPLANATORY NOTES

The Bill provides for the appointment of a provincial entomologist. It also provides that municipal inspectors appointed under the Act shall be subject to and observe the Act and the regulations and shall obey the instructions of the Provincial Entomologist.

SECTION 1 defines Provincial Entomologist.

SECTION 2 provides for the appointment of the Provincial Entomologist.

SECTION 3 provides that the Director of the Fruit Branch may delegate powers to the Provincial Entomologist.

SECTION 4 provides that municipal inspectors shall be subject to and observe the Act and the regulations and shall be subordinate to the Provincial Entomologist and carry out his instructions in regard to the controlling and eradicating of plant diseases.

in regard to the methods to be adopted for controlling and eradicating plant diseases.

Short title.

5. This Act may be cited as *The Plant Diseases Amendment Act, 1941*.



An Act to amend The Plant Diseases Act.

1st Reading

February 21st, 1941

2nd Reading

3rd Reading

MR. DEWAN

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Plant Diseases Act.

MR. DEWAN

BILL

An Act to amend The Plant Diseases Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 346, s. 1,
amended.

1. Section 1 of *The Plant Diseases Act* is amended by adding thereto the following clause:

"Provincial
Entomol-
ogist."

(gg) "Provincial Entomologist" shall mean Provincial Entomologist appointed under this Act.

Rev. Stat.,
c. 346, s. 3,
amended.

2. Section 3 of *The Plant Diseases Act* is amended by inserting after the word "appoint" in the second line the words "a Provincial Entomologist and" so that the said section shall now read as follows:

Appointment
of Provincial
Entomol-
ogist and
inspectors.

3. The Lieutenant-Governor in Council, upon the recommendation of the Minister, may appoint a Provincial Entomologist and inspectors for the carrying out of the provisions of this Act and the regulations.

Rev. Stat.,
c. 346,
amended.

3. *The Plant Diseases Act* is amended by adding thereto the following section:

Delegation
of Director's
powers.

3a. The Director may delegate to the Provincial Entomologist such of his powers as he deems necessary for the proper enforcement of this Act and the regulations and may at any time terminate such delegation of power.

Rev. Stat.,
c. 346,
amended.

4. *The Plant Diseases Act* is further amended by adding thereto the following section:

Municipal
inspectors to
observe Act
and regula-
tions.

4a. Every inspector appointed by a municipal council under this Act shall be subject to and observe this Act and the regulations and shall be subordinate to the Provincial Entomologist and shall carry out instructions given by the Provincial Entomologist

in regard to the methods to be adopted for controlling and eradicating plant diseases.

5. This Act may be cited as *The Plant Diseases Amendment* Short title.
Act, 1941.

An Act to amend The Plant Diseases Act.

1st Reading

February 21st, 1941

2nd Reading

February 26th, 1941

3rd Reading

March 3rd, 1941

MR. DEWAN

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Wolf Bounty Act.

MR. NIXON (Brant)

BILL

An Act to amend The Wolf Bounty Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 355, s. 5,
amended.

1. Section 5 of *The Wolf Bounty Act* is amended by striking out the figures "15" in the fifth line and inserting in lieu thereof the figures "25", so that the said section shall now read as follows:

Bounties
payable by
county.

5. Upon the delivery of such certificate by the person named therein to the treasurer of the county, together with the whole skin of the wolf, within a period of one month from the date of the certificate, the treasurer shall pay to such person the sum of \$25 as a bounty on either a timber or a brush wolf which is three months of age or over, and \$5 as a bounty on either a timber or brush wolf under the age of three months.

Rev Stat.,
c. 355, s. 8,
subs. 1,
amended.

2. Subsection 1 of section 8 of *The Wolf Bounty Act* is amended by striking out the figures "15" in the tenth line and inserting in lieu thereof the figures "25", so that the said subsection shall now read as follows:

Certificate.

(1) Upon the like proof as set forth in section 4, the officer before whom the skin is produced may give the certificate mentioned in section 4, provided such skin is produced within a period of ten months after the killing of such wolf, and upon the delivery of such certificate, which has been completed in a manner satisfactory to the Department, together with the whole skin of the wolf, the person named in the certificate shall be entitled to receive out of such moneys as may be appropriated by the Legislature for the payment of wolf bounty, the sum of \$25 as a bounty on either a timber or a brush wolf which is three months of age or over, and \$5 as a bounty on either a timber or brush wolf under the age of three months.

EXPLANATORY NOTES

SECTIONS 1 and 2. The bounty payable for killing a wolf is increased from \$15 to \$25.

Rev. Stat.,
c. 355, s. 14,
subs. 1,
amended.

3. Subsection 1 of section 14 of *The Wolf Bounty Act* is amended by striking out the figures "20" in the fifth line and inserting in lieu thereof the figures "50", by striking out the figures "100" in the fifth line and inserting in lieu thereof the figures "200", and by striking out the word "three" in the eighth line and inserting in lieu thereof the word "six", so that the said subsection shall now read as follows:

Penalties
for repeating
bounties.

- (1) Every person who presents or sends to the Department for bounty, or who is a party to presenting or sending to the Department for bounty, any wolf skin upon which the bounty has been paid by the Department, shall incur a penalty of not less than \$50 and not more than \$200 in respect of every wolf skin so presented or sent, and in default of payment thereof shall be imprisoned for a term not exceeding six months unless the penalty is sooner paid.

Rev. Stat.,
c. 355, s. 15,
subs. 1,
amended.

4. Subsection 1 of section 15 of *The Wolf Bounty Act* is amended by striking out the figures "15" in the fifth line and inserting in lieu thereof the figures "50", by striking out the figures "100" in the fifth line and inserting in lieu thereof the figures "200", and by striking out the word "three" in the seventh line and inserting in lieu thereof the word "six", so that the said subsection shall now read as follows:

Penalties
for pre-
senting
skins taken
outside of
the Province.

- (1) Every person who presents or sends, or who is a party to presenting or sending to the Department for bounty the skin of any wolf taken or killed at any place outside the boundaries of the Province of Ontario shall incur a penalty of not less than \$50 and not more than \$200 in respect of every wolf skin so presented or sent, and in default of payment shall be imprisoned for a period not exceeding six months unless the penalty is sooner paid.

Commence-
ment of Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent and shall have effect from and after the 1st day of March, 1941.

Short title.

6. This Act may be cited as *The Wolf Bounty Amendment Act, 1941*.

SECTION 3. The penalty for claiming bounty a second time in respect of the same wolf is now from \$20 to \$100 and in default of payment, imprisonment for a term not exceeding three months. By the proposed amendment the penalty is increased to from \$50 to \$200 and the term of imprisonment to "not exceeding six months".

SECTION 4. The penalty for claiming bounty in respect of a wolf not killed in Ontario is now from \$15 to \$100 and in default of payment, imprisonment for a term not exceeding three months. By the proposed amendment the penalty is increased to from \$50 to \$200 and the term of imprisonment to "not exceeding six months".

SECTION 5. The amendments made by this Bill will have effect from and after the 1st day of March, 1941.



BILL

An Act to amend The Wolf Bounty Act.

1st Reading

February 24th, 1941

2nd Reading

3rd Reading

MR. NIXON (Brant)

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Wolf Bounty Act.

MR. NIXON (Brant)

BILL

An Act to amend The Wolf Bounty Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 355, s. 5,
amended.

1. Section 5 of *The Wolf Bounty Act* is amended by striking out the figures "15" in the fifth line and inserting in lieu thereof the figures "25", so that the said section shall now read as follows:

Bounties
payable by
county.

5. Upon the delivery of such certificate by the person named therein to the treasurer of the county, together with the whole skin of the wolf, within a period of one month from the date of the certificate, the treasurer shall pay to such person the sum of \$25 as a bounty on either a timber or a brush wolf which is three months of age or over, and \$5 as a bounty on either a timber or brush wolf under the age of three months.

Rev. Stat.,
c. 355, s. 8,
subs. 1,
amended.

2. Subsection 1 of section 8 of *The Wolf Bounty Act* is amended by striking out the figures "15" in the tenth line and inserting in lieu thereof the figures "25", so that the said subsection shall now read as follows:

Certificate.

(1) Upon the like proof as set forth in section 4, the officer before whom the skin is produced may give the certificate mentioned in section 4, provided such skin is produced within a period of ten months after the killing of such wolf, and upon the delivery of such certificate, which has been completed in a manner satisfactory to the Department, together with the whole skin of the wolf, the person named in the certificate shall be entitled to receive out of such moneys as may be appropriated by the Legislature for the payment of wolf bounty, the sum of \$25 as a bounty on either a timber or a brush wolf which is three months of age or over, and \$5 as a bounty on either a timber or brush wolf under the age of three months.

3. Subsection 1 of section 14 of *The Wolf Bounty Act* is amended by striking out the figures "20" in the fifth line and inserting in lieu thereof the figures "50", by striking out the figures "100" in the fifth line and inserting in lieu thereof the figures "200", and by striking out the word "three" in the eighth line and inserting in lieu thereof the word "six", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 355, s. 14,
subs. 1,
amended.

- (1) Every person who presents or sends to the Department for bounty, or who is a party to presenting or sending to the Department for bounty, any wolf skin upon which the bounty has been paid by the Department, shall incur a penalty of not less than \$50 and not more than \$200 in respect of every wolf skin so presented or sent, and in default of payment thereof shall be imprisoned for a term not exceeding six months unless the penalty is sooner paid.

Penalties
for repeating
bounties.

4. Subsection 1 of section 15 of *The Wolf Bounty Act* is amended by striking out the figures "15" in the fifth line and inserting in lieu thereof the figures "50", by striking out the figures "100" in the fifth line and inserting in lieu thereof the figures "200", and by striking out the word "three" in the seventh line and inserting in lieu thereof the word "six", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 355, s. 15,
subs. 1,
amended.

- (1) Every person who presents or sends, or who is a party to presenting or sending to the Department for bounty the skin of any wolf taken or killed at any place outside the boundaries of the Province of Ontario shall incur a penalty of not less than \$50 and not more than \$200 in respect of every wolf skin so presented or sent, and in default of payment shall be imprisoned for a period not exceeding six months unless the penalty is sooner paid.

Penalties
for pre-
senting
skins taken
outside of
the Province.

5. This Act shall come into force on the day upon which it receives the Royal Assent and shall have effect from and after the 1st day of March, 1941.

Commence-
ment of Act.

6. This Act may be cited as *The Wolf Bounty Amendment Act, 1941*.

Short title.

BILL

An Act to amend The Wolf Bounty Act.

1st Reading

February 24th, 1941

2nd Reading

February 26th, 1941

3rd Reading

March 3rd, 1941

MR. NIXON (Brant)

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Judicature Act.

MR. CONANT

BILL

An Act to amend The Judicature Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 100, s. 1,
amended.

1. Section 1 of *The Judicature Act* is amended by adding thereto the following clause:

"Rules
Committee."

(rr) "Rules Committee" shall mean Rules Committee established under the provisions of this Act.

Rev. Stat.,
c. 100,
amended.

2. *The Judicature Act* is amended by adding thereto the following section:

Change of
venue—
payment of
additional
expense.

56a.—(1) Where an order is made changing the place of trial from one county to another on the ground that a fair trial cannot be had in such first mentioned county, such first mentioned county shall pay to the county in which the trial is held all additional expenses which such last mentioned county incurs by reason of the change of venue.

From
provisional
judicial
district.

(2) Where an order is made changing the place of trial from a provisional judicial district to a county on the ground that a fair trial cannot be had in such district, the county shall be repaid all additional expenses which it incurs by reason of the change of venue, out of the Consolidated Revenue Fund, and where an order is made changing the place of trial from a county to a provisional judicial district on the ground that a fair trial cannot be had in such county all additional expenses incurred by reason of the change of venue shall be repaid to the Treasurer of Ontario by such county.

Expenses
of trial,—
how
payable.

(3) Any amount payable by one county to another or by a county to the Treasurer of Ontario under this section shall be a debt recoverable by the county or the Treasurer of Ontario, as the case may be, by action in any court of competent jurisdiction.

EXPLANATORY NOTES

SECTIONS 1, 3, 4 and 5. Provision is made for the establishment of a committee to be known as "the Rules Committee" which will consist of six judges of the Supreme Court appointed by the Chief Justice of Ontario, a judge of a county or district court appointed by the Attorney-General, the Attorney-General or a law officer of the Crown appointed by him, the Master of the Supreme Court, and three barristers or solicitors appointed by the Benchers of the Law Society. The Committee will have authority to make the rules of practice and procedure, an authority which is now vested in the judges of the Supreme Court. The Registrar of the Supreme Court will act as secretary of the Rules Committee. Each of the appointed members of the Committee, other than the law officer who is appointed from time to time by the Attorney-General, will be appointed for a five-year term and will be eligible for reappointment. The Committee will hold at least one meeting a year.

Several other Acts authorizing the making of rules covering practice and procedure in courts will be amended by *The Statute Law Amendment Act* so as to vest all such rule-making powers in the Rules Committee.

The rules made by the Committee must receive the approval of the Lieutenant-Governor in Council.

SECTION 2. Where a change in the place of trial is ordered from one county to another in a civil action on the grounds that a fair trial cannot be had in the county where the trial was to be held, the expenses thereby incurred by the county where the trial is held may be recovered from the county which was thereby relieved of the expense of the trial. Where the place of trial is changed from a provisional judicial district to a county, or *vice versa*, the same principle applies.

Rev. Stat.,
c. 100, s. 106,
subs. 1,
amended.

3.—(1) Subsection 1 of section 106 of *The Judicature Act* is amended by striking out all the words after the word "Act" in the seventh line, so that the said subsection shall now read as follows:

Rules of
court.

- (1) The rules of practice and procedure including the tariffs of fees and costs proclaimed by the Lieutenant-Governor in Council under the authority of *The Judicature Act*, being chapter 19 of the statutes of 1913, and all amendments made to such rules by the judges are confirmed and declared to have the same force and effect as if they were embodied in this Act.

Rev. Stat.,
c. 100, s. 106,
amended.

(2) The said section 106 is amended by adding thereto the following subsections:

Rules
Committee,—
establish-
ment of.

- (1a) There shall be a committee known as the Rules Committee which shall be composed of—

- (a) six judges of the Supreme Court of Ontario who shall be appointed by the Chief Justice of Ontario;
- (b) a judge of a county or district court who shall be appointed by the Attorney-General;
- (c) the Attorney-General or such law officer of the Crown as he may from time to time appoint;
- (d) the Master of the Supreme Court of Ontario; and
- (e) three barristers or solicitors who shall be appointed by the Benchers of the Law Society of Upper Canada in Convocation.

Chairman.

- (1b) The members of the Rules Committee shall elect a chairman from among themselves.

Secretary.

- (1c) The Registrar of the Supreme Court of Ontario shall be *ex officio* the secretary of the Rules Committee.

Tenure
of office.

- (1d) Each of the members of the Rules Committee appointed under clauses *a*, *b*, and *e* of subsection 1 shall hold office for a period of five years and shall be eligible for a reappointment.

Quorum.

- (1e) A majority of the members of the Rules Committee shall constitute a quorum.

Annual
meeting.

- (1f) The Rules Committee shall hold an annual meeting on the first Monday following Christmas Day which is not a holiday, at the City of Toronto or at such other time and place as the chairman may direct.

When
chairman
may call
meeting.

- (1g) The chairman may at any time and upon the written request of any three members shall direct the secretary to call a meeting of the Rules Committee at such time and place as he may determine.

Rev. Stat.,
c. 100, s. 106,
subs. 2,
amended.

- (3) Subsection 2 of the said section 106 is amended by striking out the words "the judges of the Supreme Court" in the first line and inserting in lieu thereof the words "subject to the approval of the Lieutenant-Governor in Council, the Rules Committee", and by striking out the first two lines of clause *h* of the said subsection, so that the first paragraph and clause *h* of the said subsection shall now read as follows:

Rules
Committee
may make
rules.

- (2) Subject to the approval of the Lieutenant-Governor in Council, the Rules Committee may at any time amend or repeal any of the rules and may make any further or additional rules for carrying this Act into effect, and in particular for,—

.

- (*h*) regulating all fees payable to the Crown in respect of proceedings in any court.

Rev. Stat.,
c. 100, s. 107,
subs. 2,
amended.

4. Subsection 2 of section 107 of *The Judicature Act* is amended by striking out the words "which cannot be carried into effect without legislative authority" in the fourth and fifth lines; so that the said subsection shall now read as follows:

Council to
report to
Lieutenant-
Governor.

- (2) The council shall report to the Lieutenant-Governor what amendments or alterations, if any, it would be expedient to make in this Act, or otherwise relating to the administration of justice, and what other provision, if any, it would be expedient to make for the better administration of justice.

Rev. Stat.,
c. 100, s. 108,
subs. 3,
amended.

5. Subsection 3 of section 108 of *The Judicature Act* is amended by striking out the words "to the making of rules under the powers conferred by section 106 or" in the first and second lines, so that the said subsection shall now read as follows:

Applica-
tion of
subs. 1.

- (3) Subsection 1 shall not apply to a council of the judges provided for by section 107.

Commence-
ment of Act.

6. This Act shall come into force on the 1st day of July, 1941.

Short title.

7. This Act may be cited as *The Judicature Amendment Act, 1941*.

BILL

An Act to amend The Judicature Act.

1st Reading

February 25th, 1941

2nd Reading

3rd Reading

MR. CONANT

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Judicature Act.

MR. CONANT

BILL

An Act to amend The Judicature Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 100, s. 1,
amended.

1. Section 1 of *The Judicature Act* is amended by adding thereto the following clause:

"Rules
Committee."

(rr) "Rules Committee" shall mean Rules Committee established under the provisions of this Act.

Rev. Stat.,
c. 100,
amended.

2. *The Judicature Act* is amended by adding thereto the following section:

Change of
venue—
payment of
additional
expense.

56a.—(1) Where an order is made changing the place of trial from one county to another on the ground that a fair trial cannot be had in such first mentioned county, such first mentioned county shall pay to the county in which the trial is held all additional expenses which such last mentioned county incurs by reason of the change of venue.

From
provisional
judicial
district.

(2) Where an order is made changing the place of trial from a provisional judicial district to a county on the ground that a fair trial cannot be had in such district, the county shall be repaid all additional expenses which it incurs by reason of the change of venue, out of the Consolidated Revenue Fund, and where an order is made changing the place of trial from a county to a provisional judicial district on the ground that a fair trial cannot be had in such county all additional expenses incurred by reason of the change of venue shall be repaid to the Treasurer of Ontario by such county.

Expenses
of trial,—
how
payable.

(3) Any amount payable by one county to another or by a county to the Treasurer of Ontario under this section shall be a debt recoverable by the county or the Treasurer of Ontario, as the case may be, by action in any court of competent jurisdiction.

3.—(1) Subsection 1 of section 106 of *The Judicature Act* is amended by striking out all the words after the word "Act" in the seventh line, so that the said subsection shall now read as follows:

Rev. Stat.,
c. 100, s. 106,
subs. 1,
amended.

- (1) The rules of practice and procedure including the tariffs of fees and costs proclaimed by the Lieutenant-Governor in Council under the authority of *The Judicature Act*, being chapter 19 of the statutes of 1913, and all amendments made to such rules by the judges are confirmed and declared to have the same force and effect as if they were embodied in this Act.

Rules of
court.

(2) The said section 106 is amended by adding thereto the following subsections:

Rev. Stat.,
c. 100, s. 106,
amended.

- (1a) There shall be a committee known as the Rules Committee which shall be composed of—

Rules
Committee,—
establish-
ment of.

(a) seven judges of the Supreme Court of Ontario who shall be appointed by the Chief Justice of Ontario;

(b) two county or district court judges who shall be appointed by the Attorney-General;

(c) the Attorney-General or such law officer of the Crown as he may from time to time appoint;

(d) the Master of the Supreme Court of Ontario; and

(e) three barristers or solicitors who shall be appointed by the Benchers of the Law Society of Upper Canada in Convocation.

- (1b) The members of the Rules Committee shall elect a chairman from among themselves.

- (1c) The Registrar of the Supreme Court of Ontario shall be *ex officio* the secretary of the Rules Committee.

Secretary.

- (1d) Each of the members of the Rules Committee appointed under clauses a, b, and e of subsection 1 shall hold office for a period of five years and shall be eligible for a reappointment.

Tenure
of office.

- (1e) A majority of the members of the Rules Committee shall constitute a quorum.

Quorum.

Annual
meeting.

(1f) The Rules Committee shall hold an annual meeting on the first Monday following Christmas Day which is not a holiday, at the City of Toronto or at such other time and place as the chairman may direct.

When
chairman
may call
meeting.

(1g) The chairman may at any time and upon the written request of any three members shall direct the secretary to call a meeting of the Rules Committee at such time and place as he may determine.

Rev. Stat.,
c. 100, s. 106,
subs. 2,
amended.

(3) Subsection 2 of the said section 106 is amended by striking out the words "the judges of the Supreme Court" in the first line and inserting in lieu thereof the words "subject to the approval of the Lieutenant-Governor in Council, the Rules Committee", and by striking out the first two lines of clause *h* of the said subsection, so that the first paragraph and clause *h* of the said subsection shall now read as follows:

Rules
Committee
may make
rules.

(2) Subject to the approval of the Lieutenant-Governor in Council, the Rules Committee may at any time amend or repeal any of the rules and may make any further or additional rules for carrying this Act into effect, and in particular for,—

.

(h) regulating all fees payable to the Crown in respect of proceedings in any court.

Rev. Stat.,
c. 100, s. 107,
subs. 2,
amended.

4. Subsection 2 of section 107 of *The Judicature Act* is amended by striking out the words "which cannot be carried into effect without legislative authority" in the fourth and fifth lines, so that the said subsection shall now read as follows:

Council to
report to
Lieutenant-
Governor.

(2) The council shall report to the Lieutenant-Governor what amendments or alterations, if any, it would be expedient to make in this Act, or otherwise relating to the administration of justice, and what other provision, if any, it would be expedient to make for the better administration of justice.

Rev. Stat.,
c. 100, s. 108,
subs. 3,
amended.

5. Subsection 3 of section 108 of *The Judicature Act* is amended by striking out the words "to the making of rules under the powers conferred by section 106 or" in the first and second lines, so that the said subsection shall now read as follows:

Applica-
tion of
subs. 1.

(3) Subsection 1 shall not apply to a council of the judges provided for by section 107.

Commence-
ment of Act.

6. This Act shall come into force on the 1st day of July, 1941.

Short title.

7. This Act may be cited as *The Judicature Amendment Act, 1941*.



BILL

An Act to amend The Judicature Act.

1st Reading

February 25th, 1941

2nd Reading

February 28th, 1941

3rd Reading

March 19th, 1941

MR. CONANT

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The General Sessions Act.

MR. CONANT

No. 38

1941

BILL

An Act to amend The General Sessions Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 104,
amended.

1. Section 10 of *The General Sessions Act* is amended by adding thereto the following subsection:

Certain
duties of
clerk of
peace to be
performed
by clerk
of court.

(6) Where the clerk of the peace for any county or district is also the Crown attorney for such county or district, the duties which the clerk of the peace is required to perform in the court room in his capacity as clerk of the peace during the sittings of the court of general sessions of the peace and of the county or district court judges' criminal court, shall be performed by the clerk of the county or district court.

Short title.

2. This Act may be cited as *The General Sessions Amendment Act, 1941*.

EXPLANATORY NOTE

Where the office of Crown attorney and clerk of the peace is held by the same person, the county or district court clerk shall act as the clerk of the court of general sessions of the peace and county or district court judges' criminal court. Under the present practice the Crown attorney, besides acting as counsel for the Crown, also acts as clerk of the court.

BILL

An Act to amend The General Sessions Act.

1st Reading

February 25th, 1941

2nd Reading

3rd Reading

MR. CONANT

No. 38

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The General Sessions Act.

MR. CONANT

TORONTO
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No. 38

1941

BILL

An Act to amend The General Sessions Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 104,
amended.

1. Section 10 of *The General Sessions Act* is amended by adding thereto the following subsection:

Certain
duties of
clerk of
peace to be
performed
by clerk
of court.

- (6) Where the clerk of the peace for any county or district is also the Crown attorney for such county or district, the duties which the clerk of the peace is required to perform in the court room in his capacity as clerk of the peace during the sittings of the court of general sessions of the peace and of the county or district court judges' criminal court, shall be performed by the clerk of the county or district court.

Short title.

2. This Act may be cited as *The General Sessions Amendment Act, 1941*.

An Act to amend The General Sessions Act.

1st Reading

February 25th, 1941

2nd Reading

February 26th, 1941

3rd Reading

March 3rd, 1941

MR. CONANT

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Collection Agencies Act, 1939.

MR. CONANT

BILL

An Act to amend The Collection Agencies Act, 1939.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1939, c. 7,
s. 5, subs. 1,
cl. d,
amended.

1. Clause *d* of subsection 1 of section 5 of *The Collection Agencies Act, 1939*, is amended by inserting after the word "bond" in the first line the words "or negotiable security", so that the said clause shall now read as follows:

(*d*) a bond or negotiable security in the amount and form prescribed by the regulations.

1939, c. 7,
s. 10,
amended.

2. Section 10 of *The Collection Agencies Act, 1939*, is amended by inserting after the word "bond" in the first line the words "or negotiable security", so that the said section shall now read as follows:

Bond.

10. Every collection agency shall furnish a bond or negotiable security in the amount and form prescribed by the regulations.

1939, c. 7,
s. 11, re-
enacted.

3. Section 11 of *The Collection Agencies Act, 1939*, is repealed and the following substituted therefor:

When bond
to be
forfeited.

11.—(1) Where the Commission finds that a collection agency has failed to pay over moneys collected by it to the person entitled thereto within thirty days after the sending of a notice to the collection agency from the Commission by prepaid registered mail requiring it to pay over such moneys, the bond or negotiable security furnished to the Commission by such collection agency shall be forfeited to His Majesty in right of Ontario and in the case of a bond the sum named therein shall become due and owing by the person bound thereby as a debt to His Majesty in right of Ontario, provided that where the amount of the moneys found to be unpaid is less than the amount of the bond or negotiable security, such bond or negotiable security shall be forfeited only to the extend of such amount.

EXPLANATORY NOTES

SECTIONS 1, 2, 3 and 5. The bonding provisions of *The Collection Agencies Act, 1939*, are amended. Whereas no option was formerly given to the furnishing of a bond, the amendments permit a collection agency to deposit a negotiable security instead of a bond. Hereafter a bond will only be forfeited where a collection agency has failed to pay over moneys collected by it within thirty days of the sending of a notice by prepaid registered mail from the Commission requiring it to pay over such moneys. Further, a bond or negotiable security deposited will be forfeited only to the extent of the moneys unpaid.

- (2) The Commission may assign any bond forfeited or may sell any negotiable security forfeited in whole or in part and may pay over any moneys received under any bond or by the sale of any negotiable security to any person whom the Commission finds is entitled to moneys collected by the collection agency, in accordance with and upon conditions contained in the regulations or in any order of the Lieutenant-Governor in Council.

1939, c. 7,
s. 16, cl. c,
amended.

4. Clause *c* of section 16 of *The Collection Agencies Act, 1939*, is amended by inserting after the word "telegram" in the first line the words "or make any telephone call", and by inserting after the word "addressee" in the second line the words "or the person to whom the call is made", so that the said clause shall now read as follows:

- (c) send any telegram or make any telephone call for which the charges are payable by the addressee or the person to whom the call is made to a debtor for the purpose of demanding payment of any debt.

1939, c. 7,
s. 20, cl. f,
amended.

5. Clause *f* of section 20 of *The Collection Agencies Act, 1939*, is amended by inserting after the word "bonds" in the first line the words "or negotiable securities", so that the said clause shall now read as follows:

- (f) prescribing the amount and form of bonds or negotiable securities to be furnished by collection agencies; and

Short title.

6. This Act may be cited as *The Collection Agencies Amendment Act, 1941*.

SECTION 4. The making of telephone calls which are charged to the debtor is prohibited.



BILL

An Act to amend The Collection Agencies
Act, 1939.

1st Reading

February 25th, 1941

2nd Reading

3rd Reading

MR. CONANT

No. 39

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Collection Agencies Act, 1939.

MR. CONANT

BILL

An Act to amend The Collection Agencies Act, 1939.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1939, c. 7,
s. 5, subs. 1,
cl. d,
amended.

1. Clause *d* of subsection 1 of section 5 of *The Collection Agencies Act, 1939*, is amended by inserting after the word "bond" in the first line the words "or negotiable security", so that the said clause shall now read as follows:

(*d*) a bond or negotiable security in the amount and form prescribed by the regulations.

1939, c. 7,
s. 10,
amended.

2. Section 10 of *The Collection Agencies Act, 1939*, is amended by inserting after the word "bond" in the first line the words "or negotiable security", so that the said section shall now read as follows:

Bond.

10. Every collection agency shall furnish a bond or negotiable security in the amount and form prescribed by the regulations.

1939, c. 7,
s. 11, re-
enacted.

3. Section 11 of *The Collection Agencies Act, 1939*, is repealed and the following substituted therefor:

When bond
to be
forfeited.

11.—(1) Where the Commission finds that a collection agency has failed to pay over moneys collected by it to the person entitled thereto within thirty days after the sending of a notice to the collection agency from the Commission by prepaid registered mail requiring it to pay over such moneys, the bond or negotiable security furnished to the Commission by such collection agency shall be forfeited to His Majesty in right of Ontario and in the case of a bond the sum named therein shall become due and owing by the person bound thereby as a debt to His Majesty in right of Ontario, provided that where the amount of the moneys found to be unpaid is less than the amount of the bond or negotiable security, such bond or negotiable security shall be forfeited only to the extent of such amount.

- (2) The Commission may assign any bond forfeited or may sell any negotiable security forfeited in whole or in part and may pay over any moneys received under any bond or by the sale of any negotiable security to any person whom the Commission finds is entitled to moneys collected by the collection agency, in accordance with and upon conditions contained in the regulations or in any order of the Lieutenant-Governor in Council.

4. Clause *c* of section 16 of *The Collection Agencies Act*, 1939, c. 7, s. 16, cl. *c*,
1939, is amended by inserting after the word "telegram" in amended.
the first line the words "or make any telephone call", and by
inserting after the word "addressee" in the second line the
words "or the person to whom the call is made", so that the
said clause shall now read as follows:

- (c) send any telegram or make any telephone call for which the charges are payable by the addressee or the person to whom the call is made to a debtor for the purpose of demanding payment of any debt.

5. Clause *f* of section 20 of *The Collection Agencies Act*, 1939, c. 7, s. 20, cl. *f*,
1939, is amended by inserting after the word "bonds" in the amended.
first line the words "or negotiable securities", so that the said
clause shall now read as follows:

- (f) prescribing the amount and form of bonds or negotiable securities to be furnished by collection agencies;
and

6. This Act may be cited as *The Collection Agencies Amend- Short title.*
ment Act, 1941.

BILL

An Act to amend The Collection Agencies
Act, 1939.

1st Reading

February 25th, 1941

2nd Reading

February 26th, 1941

3rd Reading

March 3rd, 1941

Mr. CONANT

No. 40

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Partnership Registration Act.

MR. CONANT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 40

1941

BILL

An Act to amend The Partnership Registration Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 189,
s. 2, re-
enacted.

1. Section 2 of *The Partnership Registration Act* is repealed and the following substituted therefor:

Requisites
of declara-
tion.

2. The declaration shall state—

- (a) the names, surnames, additions and residences of every partner;
- (b) the name under which they carry on or intend to carry on business;
- (c) the time during which the partnership has subsisted;
- (d) that the persons therein named are the only members of the partnership; and
- (e) which of the partners are of the full age of twenty-one years and, where any of the partners are under the full age of twenty-one years, the date of birth of each of such partners.

Rev. Stat.,
c. 189,
s. 8, subs. 2,
re-enacted.

2. Subsection 2 of section 8 of *The Partnership Registration Act* is repealed and the following substituted therefor:

Requisites
of declara-
tion.

(2) Such declaration shall state,—

- (a) the name, surname, addition and residence of the person making the declaration;
- (b) the name under which he carries on or intends to carry on business;

EXPLANATORY NOTES

SECTIONS 1, 2 AND 4 are complementary and provide that partnership declarations, in addition to the present requirements, shall include a statement of the ages of all partners who are minors and that all other partners are of the full age of twenty-one years.

(c) that no other person is associated with him in partnership; and

(d) that he is of the full age of twenty-one years or the date of his birth if he is under the age of twenty-one years.

Rev. Stat.,
c. 189, s. 9,
re-enacted.

3. Section 9 of *The Partnership Registration Act* is repealed and the following substituted therefor:

Failure to
file declara-
tion.

9.—(1) No partnership in respect of which a declaration has not been filed as required by this Act and no member thereof shall be capable of maintaining any action or other proceeding in any court in Ontario in respect of any contract made in connection with the business carried on by the partnership.

Idem.

(2) No person who has failed to file a declaration as required by section 8 shall be capable of maintaining any action or other proceeding in any court in Ontario in respect of any contract made in connection with the business in respect of which a declaration is required to be filed.

Penalty.

9a.—(1) Every person who fails to comply with any of the provisions of this Act or who knowingly makes any false statement in any declaration signed or filed by him under this Act shall incur a penalty of not less than \$10 nor more than \$100.

Recovery of
penalties.

(2) The penalties imposed by subsection 1 shall be recoverable under *The Summary Convictions Act*.

Rev. Stat.,
c. 136.

Rev. Stat.,
c. 189,
Form 1,
amended.

4. Form 1 of *The Partnership Registration Act* is amended by striking out the word "and" at the commencement of clause 3, and by inserting after clause 3 the following clauses:

4. That the said.....are of the full age of twenty-one years.

5. That the said.....was born on the.....day of....., 19.....

Short title.

5. This Act may be cited as *The Partnership Registration Amendment Act, 1941*.

SECTION 3 takes away from the members of a partnership which is unregistered, the right to sue upon a contract relating to partnership business, and imposes a monetary penalty on persons making a false statement in a partnership declaration. Penalties shall be recovered under *The Summary Convictions Act* instead of by civil action brought under *The Fines and Forfeitures Act* as at present.

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BILL

An Act to amend The Partnership
Registration Act

1st Reading

February 26th, 1941

2nd Reading

3rd Reading

MR. CONANT

No. 40

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Partnership Registration Act.

MR. CONANT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Partnership Registration Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 189,
s. 2, re-
enacted.

1. Section 2 of *The Partnership Registration Act* is repealed and the following substituted therefor:

Requisites
of declara-
tion.

2. The declaration shall state—

- (a) the names, surnames, additions and residences of every partner;
- (b) the name under which they carry on or intend to carry on business;
- (c) the time during which the partnership has subsisted;
- (d) that the persons therein named are the only members of the partnership; and
- (e) which of the partners are of the full age of twenty-one years and, where any of the partners are under the full age of twenty-one years, the date of birth of each of such partners.

Rev. Stat.,
c. 189,
s. 8, subs. 2,
re-enacted.

2. Subsection 2 of section 8 of *The Partnership Registration Act* is repealed and the following substituted therefor:

Requisites
of declara-
tion.

(2) Such declaration shall state,—

- (a) the name, surname, addition and residence of the person making the declaration;
- (b) the name under which he carries on or intends to carry on business;

(c) that no other person is associated with him in partnership; and

(d) that he is of the full age of twenty-one years or the date of his birth if he is under the age of twenty-one years.

3. Section 9 of *The Partnership Registration Act* is repealed and the following substituted therefor: Rev. Stat., c. 189, s. 9, re-enacted.

9.—(1) No partnership in respect of which a declaration has not been filed as required by this Act and no member thereof shall be capable of maintaining any action or other proceeding in any court in Ontario in respect of any contract made in connection with the business carried on by the partnership. Failure to file declaration.

(2) No person who has failed to file a declaration as required by section 8 shall be capable of maintaining any action or other proceeding in any court in Ontario in respect of any contract made in connection with the business in respect of which a declaration is required to be filed. Idem.

9a.—(1) Every person who fails to comply with any of the provisions of this Act or who knowingly makes any false statement in any declaration signed or filed by him under this Act shall incur a penalty of not less than \$10 nor more than \$100. Penalty.

(2) The penalties imposed by subsection 1 shall be recoverable under *The Summary Convictions Act*. Recovery of penalties. Rev. Stat., c. 136.

4. Form 1 of *The Partnership Registration Act* is amended by striking out the word "and" at the commencement of clause 3, and by inserting after clause 3 the following clauses: Rev. Stat., c. 189, Form 1, amended.

4. That the said.....are of the full age of twenty-one years.

5. That the said.....was born on the.....day of....., 19.....

5. This Act may be cited as *The Partnership Registration Amendment Act, 1941*. Short title.

BILL

An Act to amend The Partnership
Registration Act

1st Reading

February 26th, 1941

2nd Reading

February 28th, 1941

3rd Reading

March 13th, 1941

MR. CONANT

No. 41

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Magistrates Act.

MR. STRACHAN

TORONTO
PRINTER TO T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 41

1941

BILL

An Act to amend The Magistrates Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 133, s. 2,
subs. 1,
amended.

1.—(1) Subsection 1 of section 2 of *The Magistrates Act* is amended by striking out all the words after the word “magistrates” where it occurs the second time in the second line, so that the said subsection shall now read as follows:

Appoint-
ment.

(1) The Lieutenant-Governor in Council may appoint magistrates and deputy magistrates.

Rev. Stat.,
c. 133, s. 2,
amended.

(2) The said section 2 is amended by adding thereto the following subsections:

Barristers
and
solicitors.

(1a) No person shall be appointed as a magistrate or a deputy magistrate unless he is a member of the Bar of Ontario or a Solicitor of the Supreme Court of Ontario.

Age of
appoint-
ment.

(1b) No person who has reached the age of fifty-five years shall be appointed as a magistrate or deputy magistrate at a stated annual salary whether payable out of moneys appropriated by the Legislature or by a city.

Application
of subs. 2.

(3) The provisions of subsection 2 shall not apply to any person holding the office of magistrate or deputy magistrate at the date of the coming into force of this Act.

Rev. Stat.,
c. 133,
amended.

2. *The Magistrates Act* is amended by adding thereto the following sections:

Retirement
at 75.

2a. Every magistrate and deputy magistrate shall cease to hold office upon attaining the age of seventy-five years.

Tenure of
office of
deputy
magistrate.

2b.—(1) Every deputy magistrate shall hold office during pleasure.

EXPLANATORY NOTES

SECTION 1 provides that every magistrate hereafter appointed must be either a barrister or solicitor. No person who has reached the age of fifty-five years shall be appointed a magistrate at an annual salary.

SECTION 2 provides that every magistrate and deputy magistrate shall cease to hold office upon attaining the age of seventy-five years. After a magistrate has held office for two years he shall be removed only where there is found to be misbehaviour, incapacity or inability to perform his duties properly on account of old age, ill-health or any other cause. The Bill provides for an inquiry into alleged misbehaviour, incompetency or inability, by one or more judges of the Supreme Court. The magistrate under investigation must be notified of the inquiry and given an opportunity to be heard. The report of the inquiry must be laid before the Assembly at the next Session thereof. Deputy magistrates continue to hold office during pleasure.

Tenure of
office.

- (2) Every magistrate shall hold office for two years after his appointment during pleasure and thenceforth may be removed from office by the Lieutenant-Governor in Council for misbehaviour, or for incapacity or inability to perform his duties properly on account of old age, ill health or any other cause if—

(a) the circumstances respecting the misbehaviour, incompetency or inability are first inquired into; and

(b) such magistrate is given reasonable notice of the time and place appointed for the inquiry, and is afforded an opportunity by himself or his counsel, of being heard thereat and of cross-examining the witnesses and adducing evidence on his own behalf.

Order to
be laid
before
Assembly.

- (3) If any magistrate is removed from office for any of such reasons, the Order-in-Council providing for such removal, and all reports, evidence and correspondence relating thereto shall be laid before the Assembly within the first fifteen days of the next ensuing session.

Appointment
of judge
to inquire.

- (4) The Lieutenant-Governor in Council may, for the purpose of making inquiry into the circumstances respecting misbehaviour, inability or incapacity of a magistrate, appoint one or more of the judges of the Supreme Court of Ontario to make such inquiry and to report thereon, and any judge or judges so appointed shall have all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*.

Rev. Stat.,
c. 19.

Rev. Stat.,
c. 133, s. 13,
amended.

3. Section 13 of *The Magistrates Act* is amended by striking out the words "where a magistrate appointed for a named city has attained the age of seventy" in the first and second lines and inserting in lieu thereof the words "where a magistrate whose salary is paid by a named city and who is not entitled to any superannuation allowance under *The Public Service Act* attains the age of seventy-five", so that the said section shall now read as follows:

Super-
annuation
in cities
excluded
from any
district.

Rev. Stat.,
c. 15.

13. Where a magistrate whose salary is paid by a named city and who is not entitled to any superannuation allowance under *The Public Service Act*, attains the age of seventy-five years, the council of the city may by by-law provide for the payment to such magis-

SECTION 3. The section providing for the payment of a pension, to be paid by the council of a city, to a magistrate, is made consistent with the present practice under this Act and *The Public Service Act*.

trate during his lifetime, of an annual sum by way of superannuation allowance.

Commence-
ment of Act. 4. This Act shall come into force on the 1st day of July, 1941.

Short title. 5. This Act may be cited as *The Magistrates Amendment Act, 1941*.

BILL

An Act to amend The Magistrates Act.

1st Reading

February 28th, 1941

2nd Reading

3rd Reading

MR. STRACHAN

No. 41

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Magistrates Act.

MR. STRACHAN

BILL

An Act to amend The Magistrates Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 133, s. 2,
subs. 1,
amended.

1.—(1) Subsection 1 of section 2 of *The Magistrates Act* is amended by striking out all the words after the word "magistrates" where it occurs the second time in the second line, so that the said subsection shall now read as follows:

Appoint-
ment.

(1) The Lieutenant-Governor in Council may appoint magistrates and deputy magistrates.

Rev. Stat.,
c. 133, s. 2,
amended.

(2) The said section 2 is amended by adding thereto the following subsection:

Age of
appoint-
ment.

(1a) No person who has reached the age of fifty-five years shall be appointed as a magistrate or deputy magistrate at a stated annual salary whether payable out of moneys appropriated by the Legislature or by a city.

Application
of subs. 2.

(3) The provisions of subsection 2 shall not apply to any person holding the office of magistrate or deputy magistrate at the date of the coming into force of this Act.

Rev. Stat.,
c. 133,
amended.

2. *The Magistrates Act* is amended by adding thereto the following sections:

Retirement.

2a. Every magistrate and deputy magistrate shall cease to hold office upon attaining the age of seventy years provided that every magistrate and deputy magistrate holding office at the date of the coming into force of *The Magistrates Amendment Act, 1941*, shall cease to hold office upon attaining the age of seventy-five years.

Tenure of
office of
deputy
magistrate.

2b.—(1) Every deputy magistrate shall hold office during pleasure.

EXPLANATORY NOTES

SECTION 1 provides that no person who has reached the age of fifty-five years shall be appointed a magistrate at an annual salary.

SECTION 2 provides that every magistrate and deputy magistrate shall cease to hold office upon attaining the age of seventy years except those holding office at the date of the commencement of this Act who shall cease to hold office upon attaining the age of seventy-five years. After a magistrate has held office for two years he shall be removed only where there is found to be misbehaviour, incapacity or inability to perform his duties properly on account of old age, ill-health or any other cause. The Bill provides for an inquiry into alleged misbehaviour, incompetency or inability, by one or more judges of the Supreme Court. The magistrate under investigation must be notified of the inquiry and given an opportunity to be heard. The report of the inquiry must be laid before the Assembly at the next Session thereof. Deputy magistrates continue to hold office during pleasure.

Tenure of
office.

- (2) Every magistrate shall hold office for two years after his appointment during pleasure and thenceforth may be removed from office by the Lieutenant-Governor in Council for misbehaviour, or for incapacity or inability to perform his duties properly on account of old age, ill health or any other cause if—

- (a) the circumstances respecting the misbehaviour, incompetency or inability are first inquired into; and
- (b) such magistrate is given reasonable notice of the time and place appointed for the inquiry, and is afforded an opportunity by himself or his counsel, of being heard thereat and of cross-examining the witnesses and adducing evidence on his own behalf.

Order to
be laid
before
Assembly.

- (3) If any magistrate is removed from office for any of such reasons, the Order-in-Council providing for such removal, and all reports, evidence and correspondence relating thereto shall be laid before the Assembly within the first fifteen days of the next ensuing session.

Appointment
of judge
to inquire.

- (4) The Lieutenant-Governor in Council may, for the purpose of making inquiry into the circumstances respecting misbehaviour, inability or incapacity of a magistrate, appoint one or more of the judges of the Supreme Court of Ontario to make such inquiry and to report thereon, and any judge or judges so appointed shall have all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*.

Rev. Stat.,
c. 19.

Rev. Stat.,
c. 133, s. 13,
amended.

3. Section 13 of *The Magistrates Act* is amended by striking out the words “where a magistrate appointed for a named city has attained the age of seventy years”, in the first and second lines and inserting in lieu thereof the words “where a magistrate whose salary is paid by a named city and who is not entitled to any superannuation allowance under *The Public Service Act* attains the age of seventy years, or in the case of a magistrate holding office at the date of the coming into force of *The Magistrates Amendment Act, 1941*, the age of seventy-five years”, so that the said section shall now read as follows:

Super-
annuation
in cities
excluded
from any
district.

Rev. Stat.,
c. 15.

13. Where a magistrate whose salary is paid by a named city and who is not entitled to any superannuation allowance under *The Public Service Act*, attains the age of seventy years, or in the case of a magistrate holding office at the date of the coming into force of *The Magistrates Amendment Act, 1941*

SECTION 3. The section providing for the payment of a pension, to be paid by the council of a city, to a magistrate, is made consistent with the present practice under this Act and *The Public Service Act*.

The Magistrates Amendment Act, 1941, the age of seventy-five years, the council of the city may by by-law provide for the payment to such magistrate during his lifetime, of an annual sum by way of superannuation allowance.



Rev. Stat.,
c. 133,
amended.

4. *The Magistrates Act* is further amended by adding thereto the following section:

Appoint-
ment of,—
where over
70.

15a.—(1) Where a person has ceased to hold office as a magistrate or deputy magistrate by reason of having attained the age of seventy years, the Lieutenant-Governor in Council may, notwithstanding anything in this Act contained, appoint him as a magistrate or deputy magistrate to hold office during pleasure at a salary or other remuneration not greater than that received immediately prior to retirement but such person when so appointed shall not be an employee within the meaning of *The Public Service Act* and where his salary or other remuneration is paid out of sums appropriated by the Legislature any retiring allowance received by him under *The Public Service Act* in respect of the period of such employment shall be deducted from the salary or other remuneration.

Rev. Stat.,
c. 15.

Powers.

(2) Every person appointed as a magistrate or deputy magistrate under subsection 1 shall have all the powers of a magistrate appointed under this Act.

Retirement
at 75.

(3) Any person appointed as a magistrate or deputy magistrate under this section shall in any event cease to hold office upon attaining the age of seventy-five years.



Commence-
ment of Act.

5. This Act shall come into force on the 1st day of July, 1941.

Short title.

6. This Act may be cited as *The Magistrates Amendment Act, 1941*.

SECTION 4. Provides that every magistrate appointed after the coming into force of this Bill on reaching the age of 70 years may be re-appointed by the Lieutenant-Governor in Council to hold office during pleasure for a period not longer than five years and at a remuneration not greater than that received immediately prior to his retirement.

An Act to amend The Magistrates Act.

1st Reading

February 28th, 1941

2nd Reading

March 3rd, 1941

3rd Reading

MR. STRACHAN

*(Reprinted as amended by the Committee on
Legal Bills.)*

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Magistrates Act.

MR. STRACHAN

BILL

An Act to amend The Magistrates Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 133, s. 2,
subs. 1,
amended.

1.—(1) Subsection 1 of section 2 of *The Magistrates Act* is amended by striking out all the words after the word “magistrates” where it occurs the second time in the second line, so that the said subsection shall now read as follows:

Appoint-
ment.

(1) The Lieutenant-Governor in Council may appoint magistrates and deputy magistrates.

Rev. Stat.,
c. 133, s. 2,
amended.

(2) The said section 2 is amended by adding thereto the following subsection:

Age of
appoint-
ment.

(1a) No person who has reached the age of fifty-five years shall be appointed as a magistrate or deputy magistrate at a stated annual salary whether payable out of moneys appropriated by the Legislature or by a city.

Application
of subs. 2.

(3) The provisions of subsection 2 shall not apply to any person holding the office of magistrate or deputy magistrate at the date of the coming into force of this Act.

Rev. Stat.,
c. 133,
amended.

2. *The Magistrates Act* is amended by adding thereto the following sections:

Retirement.

2a. Every magistrate and deputy magistrate shall cease to hold office upon attaining the age of seventy years provided that every magistrate and deputy magistrate holding office at the date of the coming into force of *The Magistrates Amendment Act, 1941*, shall cease to hold office upon attaining the age of seventy-five years.

Tenure of
office of
deputy
magistrate.

2b.—(1) Every deputy magistrate shall hold office during pleasure.

EXPLANATORY NOTES

SECTION 1 provides that no person who has reached the age of fifty-five years shall be appointed a magistrate at an annual salary.

SECTION 2 provides that every magistrate and deputy magistrate shall cease to hold office upon attaining the age of seventy years except those holding office at the date of the commencement of this Act who shall cease to hold office upon attaining the age of seventy-five years. After a magistrate has held office for two years he shall be removed only where there is found to be misbehaviour, incapacity or inability to perform his duties properly on account of old age, ill-health or any other cause. The Bill provides for an inquiry into alleged misbehaviour, incompetency or inability, by one or more judges of the Supreme Court. The magistrate under investigation must be notified of the inquiry and given an opportunity to be heard. The report of the inquiry must be laid before the Assembly at the next Session thereof. Deputy magistrates continue to hold office during pleasure.

Tenure of
office.

- (2) Every magistrate shall hold office for two years after his appointment during pleasure and thenceforth may be removed from office by the Lieutenant-Governor in Council for misbehaviour, or for incapacity or inability to perform his duties properly on account of old age, ill health or any other cause if—

(a) the circumstances respecting the misbehaviour, incompetency or inability are first inquired into; and

(b) such magistrate is given reasonable notice of the time and place appointed for the inquiry, and is afforded an opportunity by himself or his counsel, of being heard thereat and of cross-examining the witnesses and adducing evidence on his own behalf.

Order to
be laid
before
Assembly.

- (3) If any magistrate is removed from office for any of such reasons, the Order-in-Council providing for such removal, and all reports, evidence and correspondence relating thereto shall be laid before the Assembly within the first fifteen days of the next ensuing session.

Appointment
of judge
to inquire.

- (4) The Lieutenant-Governor in Council may, for the purpose of making inquiry into the circumstances respecting misbehaviour, inability or incapacity of a magistrate, appoint one or more of the judges of the Supreme Court of Ontario to make such inquiry and to report thereon, and any judge or judges so appointed shall have all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*.

Rev. Stat.,
c. 19.

Rev. Stat.,
c. 133, s. 13,
amended.

3. Section 13 of *The Magistrates Act* is amended by striking out the words "where a magistrate appointed for a named city has attained the age of seventy" in the first and second lines and inserting in lieu thereof the words "where a magistrate whose salary is paid by a named city and who is not entitled to any superannuation allowance under *The Public Service Act* attains the age of seventy-five", so that the said section shall now read as follows:

Super-
annuation
in cities
excluded
from any
district.

Rev. Stat.,
c. 15.

13. Where a magistrate whose salary is paid by a named city and who is not entitled to any superannuation allowance under *The Public Service Act*, attains the age of seventy years, or in the case of a magistrate holding office at the date of the coming into force of

SECTION 3. The section providing for the payment of a pension, to be paid by the council of a city, to a magistrate, is made consistent with the present practice under this Act and *The Public Service Act*.

The Magistrates Amendment Act, 1941, the age of seventy-five years, the council of the city may by by-law provide for the payment to such magistrate during his lifetime, of an annual sum by way of superannuation allowance.

Commence-
ment of Act. **4.** This Act shall come into force on the 1st day of July, 1941.

Short title. **5.** This Act may be cited as *The Magistrates Amendment Act, 1941*.

BILL

An Act to amend The Magistrates Act.

1st Reading

February 28th, 1941

2nd Reading

March 3rd, 1941

3rd Reading

MR. STRACHAN

(Reprinted as amended by the Committee on
Legal Bills.)

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Magistrates Act.

MR. STRACHAN

No. 41

1941

BILL

An Act to amend The Magistrates Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 133, s. 2,
subs. 1,
amended.

1.—(1) Subsection 1 of section 2 of *The Magistrates Act* is amended by striking out all the words after the word “magistrates” where it occurs the second time in the second line, so that the said subsection shall now read as follows:

Appoint-
ment.

(1) The Lieutenant-Governor in Council may appoint magistrates and deputy magistrates.

Rev. Stat.,
c. 133, s. 2,
amended.

(2) The said section 2 is amended by adding thereto the following subsection:

Age of
appoint-
ment.

(1a) No person who has reached the age of fifty-five years shall be appointed as a magistrate or deputy magistrate at a stated annual salary whether payable out of moneys appropriated by the Legislature or by a city.

Application
of subs. 2.

(3) The provisions of subsection 2 shall not apply to any person holding the office of magistrate or deputy magistrate at the date of the coming into force of this Act.

Rev. Stat.,
c. 133,
amended.

2. *The Magistrates Act* is amended by adding thereto the following sections:

Retirement.

2a. Every magistrate and deputy magistrate shall cease to hold office upon attaining the age of seventy years provided that every magistrate and deputy magistrate holding office at the date of the coming into force of *The Magistrates Amendment Act, 1941*, shall cease to hold office upon attaining the age of seventy-five years.

Tenure of
office of
deputy
magistrate.

2b.—(1) Every deputy magistrate shall hold office during pleasure.

- (2) Every magistrate shall hold office for two years after ^{Tenure of office.} his appointment during pleasure and thenceforth may be removed from office by the Lieutenant-Governor in Council for misbehaviour, or for incapacity or inability to perform his duties properly on account of old age, ill health or any other cause if—

- (a) the circumstances respecting the misbehaviour, incompetency or inability are first inquired into; and
- (b) such magistrate is given reasonable notice of the time and place appointed for the inquiry, and is afforded an opportunity by himself or his counsel, of being heard thereat and of cross-examining the witnesses and adducing evidence on his own behalf.

- (3) If any magistrate is removed from office for any of such reasons, the Order-in-Council providing for such removal, and all reports, evidence and correspondence relating thereto shall be laid before the Assembly within the first fifteen days of the next ensuing session. ^{Order to be laid before Assembly.}

- (4) The Lieutenant-Governor in Council may, for the purpose of making inquiry into the circumstances respecting misbehaviour, inability or incapacity of a magistrate, appoint one or more of the judges of the Supreme Court of Ontario to make such inquiry and to report thereon, and any judge or judges so appointed shall have all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*. ^{Appointment of judge to inquire.} ^{Rev. Stat., c. 19.}

3. Section 13 of *The Magistrates Act* is amended by striking out the words "where a magistrate appointed for a named city has attained the age of seventy years", in the first and second lines and inserting in lieu thereof the words "where a magistrate whose salary is paid by a named city and who is not entitled to any superannuation allowance under *The Public Service Act* attains the age of seventy years, or in the case of a magistrate holding office at the date of the coming into force of *The Magistrates Amendment Act, 1941*, the age of seventy-five years", so that the said section shall now read as follows: ^{Rev. Stat., c. 133, s. 13, amended.}

13. Where a magistrate whose salary is paid by a named city and who is not entitled to any superannuation allowance under *The Public Service Act*, attains the age of seventy years, or in the case of a magistrate holding office at the date of the coming into force of ^{Superannuation in cities excluded from any district.} ^{Rev. Stat., c. 15.}

The Magistrates Amendment Act, 1941, the age of seventy-five years, the council of the city may by by-law provide for the payment to such magistrate during his lifetime, of an annual sum by way of superannuation allowance.

Rev. Stat.,
c. 133,
amended.

4. *The Magistrates Act* is further amended by adding thereto the following section:

Appoint-
ment of,—
where over
70.

15a.—(1) Where a person has ceased to hold office as a magistrate or deputy magistrate by reason of having attained the age of seventy years, the Lieutenant-Governor in Council may, notwithstanding anything in this Act contained, appoint him as a magistrate or deputy magistrate to hold office during pleasure at a salary or other remuneration not greater than that received immediately prior to retirement but such person when so appointed shall not be an employee within the meaning of *The Public Service Act* and where his salary or other remuneration is paid out of sums appropriated by the Legislature any retiring allowance received by him under *The Public Service Act* in respect of the period of such employment shall be deducted from the salary or other remuneration.

Rev. Stat.,
c. 15.

Powers.

(2) Every person appointed as a magistrate or deputy magistrate under subsection 1 shall have all the powers of a magistrate appointed under this Act.

Retirement
at 75.

(3) Any person appointed as a magistrate or deputy magistrate under this section shall in any event cease to hold office upon attaining the age of seventy-five years.

Commence-
ment of Act.

5. This Act shall come into force on the 1st day of July, 1941.

Short title

6. This Act may be cited as *The Magistrates Amendment Act, 1941*.



BILL

An Act to amend The Magistrates Act.

1st Reading

February 28th, 1941

2nd Reading

March 3rd, 1941

3rd Reading

April 7th, 1941

MR. STRACHAN

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Real Estate Brokers Act.

MR. CONANT

No. 42

1941

BILL

An Act to amend The Real Estate Brokers Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 247, s. 4,
subs. 1,
amended.

1. Subsection 1 of section 4 of *The Real Estate Brokers Act* is amended by striking out the words "and such bond as may be required" in the fourth line, so that the said subsection shall now read as follows:

Application
to be made
upon forms
with fees.

(1) Every application under this Act or the regulations shall be made in writing upon the forms provided by the registrar, and shall be accompanied by the prescribed fee.

Rev. Stat.,
c. 247, s. 5,
re-enacted.

2. Section 5 of *The Real Estate Brokers Act* is repealed and the following substituted therefor:

Bond.

5. Every applicant for a real estate broker's license shall furnish a bond or negotiable security in the amount and form prescribed by the regulations.

Rev. Stat.,
c. 247, s. 14,
re-enacted.

3. Section 14 of *The Real Estate Brokers Act* is repealed and the following substituted therefor:

When bond
to be
forfeited.

14.—(1) Where the Commission finds that a real estate broker has failed to pay over moneys received by him in connection with a trade in or rental of real estate to the person entitled thereto within thirty days after the sending of a notice to the real estate broker by the Commission by prepaid registered mail requiring him to pay over such moneys, the bond or negotiable security furnished to the Commission by such real estate broker shall be forfeited to His Majesty in right of Ontario and in the case of a bond the sum named therein shall become due and owing by the person bound thereby as a debt to His Majesty in right of Ontario, provided that where the amount of the moneys found to be unpaid is

EXPLANATORY NOTES

The bonding provisions of *The Real Estate Brokers Act* are amended. Whereas formerly no alternative was given to the furnishing of a bond with the Commission by a real estate broker, the amendment permits the deposit of negotiable security instead of a bond.

Hereafter a bond will only be forfeited where the real estate broker has failed to pay over moneys received by him within thirty days of the sending of a notice by prepaid registered mail from the Commission requiring him to pay over such moneys. Further, a bond or negotiable security so deposited will be forfeited only to the extent of the moneys unpaid.

less than the amount of the bond or negotiable security, such bond or negotiable security shall be forfeited only to the extent of such amount.

- (2) The Commission may assign any bond forfeited or may sell any negotiable security forfeited in whole or in part and may pay over any moneys received under any bond or by the sale of any negotiable security to any person whom the Commission finds is entitled to moneys received by the real estate broker in accordance with and upon conditions contained in the regulations or in any order of the Lieutenant-Governor in Council.

Rev. Stat.,
c. 247, s. 30,
amended.

4. Section 30 of *The Real Estate Brokers Act* is amended by adding thereto the following clause:

(dd) for prescribing the form and amount of bonds and negotiable securities to be furnished to the Commission.

Short title.

5. This Act may be cited as *The Real Estate Brokers Amendment Act, 1941*.



BILL

An Act to amend The Real Estate
Brokers Act.

1st Reading

February 28th, 1941

2nd Reading

3rd Reading

MR. CONANT

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Real Estate Brokers Act.

MR. CONANT

BILL

An Act to amend The Real Estate Brokers Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 247, s. 4,
subs. 1,
amended.

1. Subsection 1 of section 4 of *The Real Estate Brokers Act* is amended by striking out the words "and such bond as may be required" in the fourth line, so that the said subsection shall now read as follows:

Application
to be made
upon forms
with fees.

(1) Every application under this Act or the regulations shall be made in writing upon the forms provided by the registrar, and shall be accompanied by the prescribed fee.

Rev. Stat.,
c. 247, s. 5,
re-enacted.

2. Section 5 of *The Real Estate Brokers Act* is repealed and the following substituted therefor:

Bond.

5. Every applicant for a real estate broker's license shall furnish a bond or negotiable security in the amount and form prescribed by the regulations.

Rev. Stat.,
c. 247, s. 14,
re-enacted.

3. Section 14 of *The Real Estate Brokers Act* is repealed and the following substituted therefor:

When bond
to be
forfeited.

14.—(1) Where the Commission finds that a real estate broker has failed to pay over moneys received by him in connection with a trade in or rental of real estate to the person entitled thereto within thirty days after the sending of a notice to the real estate broker by the Commission by prepaid registered mail requiring him to pay over such moneys, the bond or negotiable security furnished to the Commission by such real estate broker shall be forfeited to His Majesty in right of Ontario and in the case of a bond the sum named therein shall become due and owing by the person bound thereby as a debt to His Majesty in right of Ontario, provided that where the amount of the moneys found to be unpaid is

less than the amount of the bond or negotiable security, such bond or negotiable security shall be forfeited only to the extent of such amount.

- (2) The Commission may assign any bond forfeited or may sell any negotiable security forfeited in whole or in part and may pay over any moneys received under any bond or by the sale of any negotiable security to any person whom the Commission finds is entitled to moneys received by the real estate broker in accordance with and upon conditions contained in the regulations or in any order of the Lieutenant-Governor in Council.

4. Section 30 of *The Real Estate Brokers Act* is amended by adding thereto the following clause: Rev. Stat.,
c. 247, s. 30,
amended.

- (dd) for prescribing the form and amount of bonds and negotiable securities to be furnished to the Commission.

5. This Act may be cited as *The Real Estate Brokers Amendment Act, 1941*. Short title.

An Act to amend The Real Estate
Brokers Act.

1st Reading

February 28th, 1941

2nd Reading

March 3rd, 1941

3rd Reading

March 13th, 1941

MR. CONANT

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Conditional Sales Act.

MR. CONANT

No. 43

1941

BILL

An Act to amend The Conditional Sales Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 182, s. 3b,
(1938, c. 5,
s. 3),
amended.

1. Section 3b of *The Conditional Sales Act*, as enacted by section 3 of *The Conditional Sales Amendment Act, 1938*, is amended by adding thereto the following subsection:

Court order
may be
obtained
to permit
later
filing.

- (5) Where a renewal statement is not duly registered within the time prescribed by this section, the judge of the county or district court may permit it to be registered at a later date upon being satisfied by affidavit or affidavits that the failure to register arose from misadventure, ignorance or some other cause which constitutes a reasonable excuse and that the parties have acted and are acting in good faith, but in such case the renewal statement shall as against creditors of the purchaser, proposed purchaser or hirer, and as against subsequent purchasers claiming from or under such purchaser, proposed purchaser or hirer without notice in good faith and for valuable consideration who have become creditors, mortgagees or purchasers after the expiry of the contract but before registration, be deemed to have been executed and to be effective only from the date of registration and for the purposes of registration of any further statement of renewal, such statement of renewal shall be deemed to have been registered upon the actual date of registration.

Rev. Stat.,
c. 182, s. 12,
subs. 1,
cl. c, re-
enacted.

2.—(1) Clause c of subsection 1 of section 12 of *The Conditional Sales Act* is repealed and the following substituted therefor:

- (c) The amount owing on the goods sold.

EXPLANATORY NOTES

SECTION 1. This amendment provides that where a conditional sales contract has not been renewed within the three-year period because of misadventure or mistake a court order may be obtained permitting a later filing.

SECTION 2—Subsection 1. This subsection is rendered consistent with the form prescribed. The amendment requires the amount owing on the goods in question, instead of the purchase price, to be shown in a notice of a conditional sale registered in a registry or land titles office.

Rev. Stat.,
c. 182, s. 12,
subs. 2,
amended.

(2) Subsection 2 of the said section 12 is amended by striking out the words "in duplicate" in the third line, so that the said subsection shall now read as follows:

Form of
notice pro-
vided and
affidavit
verifying.

(2) The notice shall be signed by the vendor or his authorized agent, assignee or personal representative, and shall be verified by the affidavit (Form 2) of the vendor, or his authorized agent, assignee or personal representative having personal knowledge of the matters required to be verified, and the affidavit of the agent, assignee or personal representative shall state that he has such knowledge.

Rev. Stat.,
c. 182, s. 12,
amended.

(3) The said section 12 is amended by adding thereto the following subsection:

Where
vendor is
corporation.

(2a) Where the vendor or his authorized agent, assignee or personal representative is a corporation, the notice may be signed and the affidavit may be made by the president, vice-president, manager, assistant manager, secretary or treasurer thereof, or in the case of a corporation having a branch office, by the manager, assistant manager or accountant of the branch office, and in every such case the affidavit shall state that the deponent has personal knowledge of the facts therein deposed to.

Short title.

3. This Act may be cited as *The Conditional Sales Amendment Act, 1941*.

Subsection 2. Words are removed to render the section consistent with the practice.

Subsection 3. Where the vendor of goods under a conditional sale is a corporation, the amendment permits a notice which is to be filed in a registry office or land titles office and the accompanying affidavit to be signed and made by certain officers of the company.



BILL

An Act to amend The Conditional Sales
Act.

1st Reading

February 28th, 1941

2nd Reading

3rd Reading

MR. CONANT

No. 43

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Conditional Sales Act.

MR. CONANT

No. 43

1941

BILL

An Act to amend The Conditional Sales Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 182, s. 3b,
(1938, c. 5,
s. 3),
amended.

1. Section 3b of *The Conditional Sales Act*, as enacted by section 3 of *The Conditional Sales Amendment Act, 1938*, is amended by adding thereto the following subsection:

Court order
may be
obtained
to permit
later
filing.

- (5) Where a renewal statement is not duly registered within the time prescribed by this section, the judge of the county or district court may permit it to be registered at a later date upon being satisfied by affidavit or affidavits that the failure to register arose from misadventure, ignorance or some other cause which constitutes a reasonable excuse and that the parties have acted and are acting in good faith, but in such case the renewal statement shall as against creditors of the purchaser, proposed purchaser or hirer, and as against subsequent purchasers claiming from or under such purchaser, proposed purchaser or hirer without notice in good faith and for valuable consideration who have become creditors, mortgagees or purchasers after the expiry of the contract but before registration, be deemed to have been executed and to be effective only from the date of registration and for the purposes of registration of any further statement of renewal, such statement of renewal shall be deemed to have been registered upon the actual date of registration.

Rev. Stat.,
c. 182, s. 12,
subs. 1,
cl. c, re-
enacted.

2.—(1) Clause *c* of subsection 1 of section 12 of *The Conditional Sales Act* is repealed and the following substituted therefor:

- (c) The amount owing on the goods sold.

(2) Subsection 2 of the said section 12 is amended by striking out the words "in duplicate" in the third line, so that the said subsection shall now read as follows: Rev. Stat., c. 182, s. 12, subs. 2, amended.

(2) The notice shall be signed by the vendor or his authorized agent, assignee or personal representative, and shall be verified by the affidavit (Form 2) of the vendor, or his authorized agent, assignee or personal representative having personal knowledge of the matters required to be verified, and the affidavit of the agent, assignee or personal representative shall state that he has such knowledge. Form of notice provided and affidavit verifying.

(3) The said section 12 is amended by adding thereto the following subsection: Rev. Stat., c. 182, s. 12, amended.

(2a) Where the vendor or his authorized agent, assignee or personal representative is a corporation, the notice may be signed and the affidavit may be made by the president, vice-president, manager, assistant manager, secretary or treasurer thereof, or in the case of a corporation having a branch office, by the manager, assistant manager or accountant of the branch office, and in every such case the affidavit shall state that the deponent has personal knowledge of the facts therein deposed to. Where vendor is corporation.

3. This Act may be cited as *The Conditional Sales Amendment Act, 1941*. Short title.

BILL

An Act to amend The Conditional Sales
Act.

1st Reading

February 28th, 1941

2nd Reading

March 3rd, 1941

3rd Reading

March 13th, 1941

MR. CONANT

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Costs of Distress Act.

MR. CONANT

BILL

An Act to amend The Costs of Distress Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 122, s. 1,
subs. 1,
amended.

1.—(1) Subsection 1 of section 1 of *The Costs of Distress Act* is amended by striking out the words, symbol and figures “where the sum demanded and due, in respect of the rent or penalty, does not exceed \$80” in the second and third lines, and the words and figures “set forth in Schedule 1” in the seventh line and inserting in lieu of the latter the words “prescribed by the Lieutenant-Governor in Council”, so that the said subsection shall now read as follows:

Tariff
of costs.

- (1) No person making distress for rent or for a penalty, and no person employed in making the distress, or doing any act in the course of the distress, or for carrying the same into effect, shall levy, take or receive any costs in respect of the distress other than such as are prescribed by the Lieutenant-Governor in Council.

Rev. Stat.,
c. 122, s. 1,
subs. 2,
repealed.

- (2) Subsection 2 of the said section 1 is repealed.

Rev. Stat.,
c. 122, s. 3,
amended.

2. Section 3 of *The Costs of Distress Act* is amended by striking out the words and figure “set forth in Schedule 3” in the eighth and ninth lines and inserting in lieu thereof the words “prescribed by the Lieutenant-Governor in Council”, so that the said section shall now read as follows:

Tariff of
costs under
chattel
mortgage.

3. No person making a seizure or sale of goods for default in payment of the principal money or interest secured by a chattel mortgage or for default in payment of any instalment of principal or interest, secured by any instrument under the terms of which the vendor retains the right to take possession of any chattel sold by him for default in payment of any instalment of principal or interest, shall levy, take or receive any greater or other fees or costs than those prescribed by the Lieutenant-Governor in Council.

EXPLANATORY NOTE

The schedules of fees under the Act are repealed and provision made for the Lieutenant-Governor in Council to prescribe fees.

Rev. Stat.,
c. 122, s. 4,
amended.

3. Section 4 of *The Costs of Distress Act* is amended by striking out the words "mentioned in such schedules" in the first and second lines and inserting in lieu thereof the words "for which the Lieutenant-Governor in Council has prescribed a fee under this Act", so that the said section shall now read as follows:

No charge
for anything
not done.

4. No person shall make any charge for anything for which the Lieutenant-Governor in Council has prescribed a fee under this Act unless it has been actually done.

Rev. Stat.,
c. 122,
amended.

4. *The Costs of Distress Act* is amended by adding thereto the following section:

Fees and
costs.

7. The Lieutenant-Governor in Council may prescribe fees and costs payable to persons performing the services mentioned in sections 1 and 3.

Rev. Stat.,
c. 122,
Scheds.
1, 2, 3
repealed.

5. Schedules 1, 2 and 3 of *The Costs of Distress Act* are repealed.

Short title.

6. This Act may be cited as *The Costs of Distress Amendment Act, 1941*.



An Act to amend The Costs of
Distress Act.

1st Reading

March 3rd, 1941

2nd Reading

3rd Reading

MR. CONANT

No. 44

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Costs of Distress Act.

MR. CONANT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Costs of Distress Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 122, s. 1,
subs. 1,
amended.

1.—(1) Subsection 1 of section 1 of *The Costs of Distress Act* is amended by striking out the words, symbol and figures “where the sum demanded and due, in respect of the rent or penalty, does not exceed \$80” in the second and third lines, and the words and figures “set forth in Schedule 1” in the seventh line and inserting in lieu of the latter the words “prescribed by the Lieutenant-Governor in Council”, so that the said subsection shall now read as follows:

Tariff
of costs.

(1) No person making distress for rent or for a penalty, and no person employed in making the distress, or doing any act in the course of the distress, or for carrying the same into effect, shall levy, take or receive any costs in respect of the distress other than such as are prescribed by the Lieutenant-Governor in Council.

Rev. Stat.,
c. 122, s. 1,
subs. 2,
repealed.

(2) Subsection 2 of the said section 1 is repealed.

Rev. Stat.,
c. 122, s. 3,
amended.

2. Section 3 of *The Costs of Distress Act* is amended by striking out the words and figure “set forth in Schedule 3” in the eighth and ninth lines and inserting in lieu thereof the words “prescribed by the Lieutenant-Governor in Council”, so that the said section shall now read as follows:

Tariff of
costs under
chattel
mortgage.

3. No person making a seizure or sale of goods for default in payment of the principal money or interest secured by a chattel mortgage or for default in payment of any instalment of principal or interest, secured by any instrument under the terms of which the vendor retains the right to take possession of any chattel sold by him for default in payment of any instalment of principal or interest, shall levy, take or receive any greater or other fees or costs than those prescribed by the Lieutenant-Governor in Council.

3. Section 4 of *The Costs of Distress Act* is amended by striking out the words "mentioned in such schedules" in the first and second lines and inserting in lieu thereof the words "for which the Lieutenant-Governor in Council has prescribed a fee under this Act", so that the said section shall now read as follows:

Rev. Stat.,
c. 122, s. 4,
amended.

4. No person shall make any charge for anything for which the Lieutenant-Governor in Council has prescribed a fee under this Act unless it has been actually done.

No charge
for anything
not done.

4. *The Costs of Distress Act* is amended by adding thereto the following section:

Rev. Stat.,
c. 122,
amended.

7. The Lieutenant-Governor in Council may prescribe fees and costs payable to persons performing the services mentioned in sections 1 and 3.

Fees and
costs.

5. Schedules 1, 2 and 3 of *The Costs of Distress Act* are repealed.

Rev. Stat.,
c. 122,
Scheds.
1, 2, 3
repealed.

6. This Act may be cited as *The Costs of Distress Amendment Act, 1941*.

Short title.

An Act to amend The Costs of
Distress Act.

1st Reading

March 3rd, 1941

2nd Reading

March 10th, 1941

3rd Reading

March 13th, 1941

MR. CONANT

No. 45

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act respecting Bailiffs.

MR. CONANT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting Bailiffs.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation,—

1. In this Act,—

“bailiff”;

- (a) “bailiff” shall mean any person acting or holding himself out as being prepared to act for or on behalf of any other person in the seizure and sale or seizure only of chattels, or in any eviction, or the collection of rent or taxes by distress, or the repossession of goods or chattels under a conditional sale or lien contract, hire purchase agreement, chattel mortgage or other form of security;

“certificate of qualification”;

- (b) “certificate of qualification” shall mean a certificate of qualification issued under this Act;

“county”;

- (c) “county” shall include united counties and provisional judicial district; and

“county court”.

- (d) “county court” shall include district court.

No person to act without certificate of qualification.

2.—(1) No person shall act as a bailiff unless he is the holder of a certificate of qualification.

Scope of authority.

(2) Every person who is the holder of a certificate of qualification may act as a bailiff in any part of Ontario.

Application for certificate.

3.—(1) Every application for a certificate of qualification shall be made in writing to the clerk of the county court of the county in which the applicant intends to carry on business as a bailiff and shall state,—

- (a) the name and place of residence of the applicant;

- (b) the place where the applicant intends to carry on business;

EXPLANATORY NOTES

The purpose of the Bill is to require every person intending to act as a bailiff to attend before the local county court judge for examination as to his qualifications to act as a bailiff. If the judge finds him qualified and is of opinion that a bailiff is necessary in the place where such person intends to carry on business, he directs the county court clerk to issue a certificate of qualification. Otherwise such person is prohibited from acting as a bailiff.

SECTION 1 defines "bailiff" and other terms used in the Act.

SECTION 2 prohibits any person who is not the holder of a certificate of qualification from acting as a bailiff and permits any person who is the holder of a certificate to act in any part of the Province.

SECTION 3 prescribes the manner of making application for a certificate and provides for the examination of the applicant by a county judge.

- (c) the qualifications of the applicant and his experience as a bailiff;
- (d) any circumstances indicating that a bailiff is needed for the public convenience in the place where the applicant intends to carry on business as a bailiff;
- (e) whether the applicant has previously held a certificate of qualification and, if so, the county in which the certificate was issued; and
- (f) whether any certificate of qualification at any time held by the applicant has been cancelled and, if so, the date of and the name of the judge who directed the cancellation and the reasons therefor.

Examina-
tion of
applicant.

(2) Upon receiving an application the clerk of the county court shall arrange an appointment with the judge of the county court for the examination of the applicant and shall notify the applicant of the time and place of such appointment by prepaid registered mail.

Certifica-
tion of
application.

(3) If upon the examination of the applicant the judge finds him qualified to act as a bailiff and is of opinion that a bailiff is needed for the public convenience in the place where the applicant intends to carry on business as a bailiff, he shall so certify upon the application and forward the application to the clerk of the county court.

Issue and
filing of
certificate.

4.—(1) Upon receiving an application certified by the judge as in subsection 3 of section 3 provided, the county court clerk shall,—

- (a) issue a certificate of qualification to the applicant;
- (b) file the application and judge's certificate in the files of his office; and
- (c) record the issue of the certificate of qualification in a book kept for that purpose.

Change of
address.

(2) Every holder of a certificate of qualification shall forthwith report every change of his address to the clerk of the county court from which his certificate of qualification was issued.

Cancell-
ation of
certificate.

5.—(1) A judge of any county court may direct the clerk of any county court from which a certificate of qualification has been issued to cancel such certificate and every such direction shall be accompanied by a statement of the reason for directing the cancellation.

SECTION 4 provides for the issue of a certificate of qualification by a county court clerk upon the certificate of a judge.

SECTION 5 authorizes the cancellation of a certificate by a judge.

Notice and
recording of
cancellation.

(2) Upon the receipt of a direction made under subsection 1, the county court clerk shall,—

- (a) send a notice of the cancellation of the certificate of qualification to the holder thereof by prepaid registered mail at the last address furnished by him to the clerk of the county court;
- (b) file the direction and statement of reasons accompanying it with the application and judge's certificate; and
- (c) record the cancellation in the book kept for recording the issue of certificates of qualification.

When certi-
ficate
deemed to
be cancelled.

(3) Upon compliance with clause *a* of subsection 2 a certificate shall be deemed to be cancelled.

Further
application.

(4) Nothing in this section shall prevent the making of a further application for a certificate of qualification.

When Act
not to apply.
Rev. Stat.,
c. 107.

6. This Act shall not apply to any person appointed as a bailiff under *The Division Courts Act* or to any person acting as a sheriff's bailiff.

Right of
municipal
councils.

Rev. Stat.,
c. 266.

7. Nothing in this Act shall affect the right of a municipal council to pass by-laws for licensing, regulating and governing bailiffs under the provisions of *The Municipal Act*.

Penalty.

Recovery.

Rev. Stat.,
c. 136.

8. Any person who violates any of the provisions of this Act shall be guilty of an offence and liable to a penalty of not more than \$100 which shall be recoverable in the manner prescribed by *The Summary Convictions Act*.

Regula-
tions.

9. The Lieutenant-Governor in Council may,—

- (a) make regulations respecting applications for certificates, examination of applicants, the issue and cancellation of certificates, and generally for the better carrying out of the provisions of this Act;
- (b) prescribe forms; and
- (c) prescribe fees payable under this Act.

Short title.

10. This Act may be cited as *The Bailiffs Act, 1941*.

SECTION 6 excepts from the Act division court bailiffs and any person acting as a sheriff's bailiff.

SECTION 7 provides that the right of a municipality to regulate bailiffs under *The Municipal Act* shall continue.

SECTION 8 provides penalties for persons violating the Act.

SECTION 9 authorizes the Lieutenant-Governor in Council to make regulations and prescribe forms and fees.

BILL

An Act respecting Bailiffs.

1st Reading

March 3rd, 1941

2nd Reading

3rd Reading

MR. CONANT

No. 45

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL
An Act respecting Bailiffs.

MR. CONANT

BILL

An Act respecting Bailiffs.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpre-
tation,—

1. In this Act,—

“bailiff”;

- (a) “bailiff” shall mean any person acting or holding himself out as being prepared to act for or on behalf of any other person in the seizure and sale or seizure only of chattels, or in any eviction, or the collection of rent or taxes by distress, or the repossession of goods or chattels under a conditional sale or lien contract, hire purchase agreement, chattel mortgage or other form of security;

“certificate
of qualifi-
cation”;

- (b) “certificate of qualification” shall mean a certificate of qualification issued under this Act;

“county”;

- (c) “county” shall include united counties and provisional judicial district; and

“county
court”;

- (d) “county court” shall include district court.

No person
to act
without
certificate
of qualifi-
cation.

2.—(1) No person shall act as a bailiff unless he is the holder of a certificate of qualification.

Scope of
authority.

(2) Every person who is the holder of a certificate of qualification may act as a bailiff in any part of Ontario.

Application
for certifi-
cate.

3.—(1) Every application for a certificate of qualification shall be made in writing to the clerk of the county court of the county in which the applicant intends to carry on business as a bailiff and shall state,—

- (a) the name and place of residence of the applicant;
- (b) the place where the applicant intends to carry on business;

- (c) the qualifications of the applicant and his experience as a bailiff;
- (d) any circumstances indicating that a bailiff is needed for the public convenience in the place where the applicant intends to carry on business as a bailiff;
- (e) whether the applicant has previously held a certificate of qualification and, if so, the county in which the certificate was issued; and
- (f) whether any certificate of qualification at any time held by the applicant has been cancelled and, if so, the date of and the name of the judge who directed the cancellation and the reasons therefor.

(2) Upon receiving an application the clerk of the county court shall arrange an appointment with the judge of the county court for the examination of the applicant and shall notify the applicant of the time and place of such appointment by prepaid registered mail. ^{Examination of applicant.}

(3) If upon the examination of the applicant the judge finds him qualified to act as a bailiff and is of opinion that a bailiff is needed for the public convenience in the place where the applicant intends to carry on business as a bailiff, he shall so certify upon the application and forward the application to the clerk of the county court. ^{Certification of application.}

4.—(1) Upon receiving an application certified by the judge as in subsection 3 of section 3 provided, the county court clerk shall,— ^{Issue and filing of certificate.}

- (a) issue a certificate of qualification to the applicant;
- (b) file the application and judge's certificate in the files of his office; and
- (c) record the issue of the certificate of qualification in a book kept for that purpose.

(2) Every holder of a certificate of qualification shall forthwith report every change of his address to the clerk of the county court from which his certificate of qualification was issued. ^{Change of address.}

5.—(1) A judge of any county court may direct the clerk of any county court from which a certificate of qualification has been issued to cancel such certificate and every such direction shall be accompanied by a statement of the reason for directing the cancellation. ^{Cancellation of certificate.}

Notice and
recording of
cancellation.

(2) Upon the receipt of a direction made under subsection 1, the county court clerk shall,—

- (a) send a notice of the cancellation of the certificate of qualification to the holder thereof by prepaid registered mail at the last address furnished by him to the clerk of the county court;
- (b) file the direction and statement of reasons accompanying it with the application and judge's certificate; and
- (c) record the cancellation in the book kept for recording the issue of certificates of qualification.

When certificate
deemed to
be cancelled.

(3) Upon compliance with clause *a* of subsection 2 a certificate shall be deemed to be cancelled.

Further
application.

(4) Nothing in this section shall prevent the making of a further application for a certificate of qualification.

When Act
not to apply.
Rev. Stat.,
c. 107.

6. This Act shall not apply to any person appointed as a bailiff under *The Division Courts Act* or to any person acting as a sheriff's bailiff.

Right of
municipal
councils.

Rev. Stat.,
c. 266.

7. Nothing in this Act shall affect the right of a municipal council to pass by-laws for licensing, regulating and governing bailiffs under the provisions of *The Municipal Act*.

Penalty.

Recovery.

Rev. Stat.,
c. 136.

8. Any person who violates any of the provisions of this Act shall be guilty of an offence and liable to a penalty of not more than \$100 which shall be recoverable in the manner prescribed by *The Summary Convictions Act*.

Regulations.

9. The Lieutenant-Governor in Council may,—

- (a) make regulations respecting applications for certificates, examination of applicants, the issue and cancellation of certificates, and generally for the better carrying out of the provisions of this Act;
- (b) prescribe forms; and
- (c) prescribe fees payable under this Act.

Short title.

10. This Act may be cited as *The Bailiffs Act, 1941*.



An Act respecting Bailiffs.

1st Reading

March 3rd, 1941

2nd Reading

March 10th, 1941

3rd Reading

March 13th, 1941

MR. CONANT

No. 46

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Companies Act.

MR. NIXON (Brant)

BILL

An Act to amend The Companies Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 251,
amended.

1. *The Companies Act* is amended by adding thereto the following section:

Directors
of hospital
corporations.

87a. A corporation operating a hospital within the meaning of *The Public Hospitals Act*, may, by by-law, provide that a person may, with his consent in writing, be elected a director of the corporation at a general meeting of the shareholders or members notwithstanding that such person is not a shareholder or member of the corporation.

Rev. Stat.,
c. 390.

Rev. Stat.,
c. 251, s. 156,
cl. a,
amended.

2. Clause *a* of section 156 of *The Companies Act* is amended by adding at the end thereof the words "provided that where any corporation files a copy of its by-laws or amendments thereof, so certified and sealed, in the office of the Provincial Secretary on or before the 1st day of January, 1942, such copy shall be deemed for all purposes to have been filed on the day upon which such by-laws or amendments were acted upon", so that the said clause shall now read as follows:

Filing copy.

(a) file a copy of the by-laws or amendments thereof from time to time, certified by the president and secretary, with the seal of the corporation affixed thereto, in the office of the Provincial Secretary, and the by-laws shall not be valid or acted upon until so filed, provided that where any corporation files a copy of its by-laws or amendments thereof, so certified and sealed, in the office of the Provincial Secretary on or before the 1st day of January, 1942, such copy shall be deemed for all purposes to have been filed on the day upon which such by-laws or amendments were acted upon.

Short title.

3. This Act may be cited as *The Companies Amendment Act, 1941*.

EXPLANATORY NOTES

SECTION 1. The amendment permits a person who is not a shareholder or member of the corporation which operates a public hospital to be elected a director of such corporation if he consents thereto.

SECTION 2. *The Companies Act* requires the by-laws of co-operative companies to be filed with the Provincial Secretary. Until so filed by-laws are invalid and may not be acted upon. The amendment validates acts done in the past under unfiled by-laws provided such by-laws are filed by January 1st, 1942.

BILL

An Act to amend The Companies Act.

1st Reading

March 3rd, 1941

2nd Reading

3rd Reading

MR. NIXON (Brant)

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Companies Act.

Mr. NIXON (Brant)

No. 46

1941

BILL

An Act to amend The Companies Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 251,
amended.

1. *The Companies Act* is amended by adding thereto the following section:

Directors
of hospital
corporations.

Rev. Stat.,
c. 390.

87a. A corporation operating a hospital within the meaning of *The Public Hospitals Act*, may, by by-law, provide that a person may, with his consent in writing, be elected a director of the corporation at a general meeting of the shareholders or members notwithstanding that such person is not a shareholder or member of the corporation.

Rev. Stat.,
c. 251, s. 156,
cl. a,
amended.

2. Clause *a* of section 156 of *The Companies Act* is amended by adding at the end thereof the words "provided that where any corporation files a copy of its by-laws or amendments thereof, so certified and sealed, in the office of the Provincial Secretary on or before the 1st day of January, 1942, such copy shall be deemed for all purposes to have been filed on the day upon which such by-laws or amendments were acted upon", so that the said clause shall now read as follows:

Filing copy.

(a) file a copy of the by-laws or amendments thereof from time to time, certified by the president and secretary, with the seal of the corporation affixed thereto, in the office of the Provincial Secretary, and the by-laws shall not be valid or acted upon until so filed, provided that where any corporation files a copy of its by-laws or amendments thereof, so certified and sealed, in the office of the Provincial Secretary on or before the 1st day of January, 1942, such copy shall be deemed for all purposes to have been filed on the day upon which such by-laws or amendments were acted upon.

Short title.

3. This Act may be cited as *The Companies Amendment Act, 1941*.

BILL.

An Act to amend The Companies Act.

1st Reading

March 3rd, 1941

2nd Reading

March 10th, 1941

3rd Reading

March 13th, 1941

MR. NIXON (Brant)

No. 47

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Summary Convictions Act.

MR. CONANT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Summary Convictions Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 136,
amended.

1. *The Summary Convictions Act* is amended by adding thereto the following section:

Service by
mail.

Rev. Stat.,
c. 288.

3a.—(1) Every summons issued for a violation of any of the provisions of *The Highway Traffic Act* shall be served by sending it, within ten days of the alleged violation, by prepaid post to the person summoned.

Address.

(2) Every such summons may be sent to the person summoned at his last or most usual place of abode or, where such person is the holder of a license or permit issued by the Minister or Department of Highways, the summons may be sent to him at the address registered with the Department.

Non-appear-
ance of
person
summoned.

(3) A summons served under subsection 1 shall,—

(a) have endorsed upon its face in bold-face type a notice that if the person summoned does not appear in person or by his counsel or other representative at the time and place indicated in the summons, the summons will be served by personal service or by leaving it at his place of abode, or in the case of the holder of a license or permit issued by the Minister or Department of Highways, at the address registered with the Department, with some inmate thereof apparently not under the age of sixteen years, and that in the event of a conviction, the person summoned may be required to pay the cost of such service; and

EXPLANATORY NOTES

The Act provides that every summons for violation of any of the provisions of *The Highway Traffic Act* shall be served in the first instance by prepaid post. It shall be addressed to the person summoned at his last or most usual place of abode or if he is the holder of a license or permit issued by the Department of Highways it may be sent to him at the address registered with the Department.

Every summons sent by mail shall have endorsed upon its face in bold-face type a notice that if the person summoned does not appear in person or by his counsel or other representative he will be served personally or by leaving the summons at his place of abode and that in the event of a conviction the person summoned may be required to pay the cost of such service.

Where a person does not appear in answer to a summons mailed to him the summons is deemed not to have been served and a new summons is issued and served within ten days of the date named for trial in the original summons. It is served by personal service or by leaving it at the place of abode of the person summoned or in the case of a holder of a license or permit issued by the Department of Highways at the address registered with the Department.

Provision is made for extending the time for issuing and serving summonses in particular circumstances.

The sending of a summons may be proved by the affidavit of the person who mailed it.

When
summons
deemed not
to have
been served.

- (b) be deemed not to have been served unless the person summoned appears in person or by his counsel or other representative at the time and place named in the summons for appearance.

Further
summons.

- (4) Where a summons is deemed not to have been served another summons shall be issued and shall be served within ten days of the date upon which the person is required to appear by the original summons, by personal service or by leaving it for the person summoned at his last or most usual place of abode, or in the case of the holder of a license or permit issued by the Minister or Department of Highways, at the address registered with the Department, with some inmate thereof apparently not under the age of sixteen years.

Extension
of time
for issue
and service.

- (5) The time for issuing and serving a summons under subsections 1 and 2 may be extended by a magistrate on sufficient evidence being adduced to show that by reason of the default or unlawful act of the person to be summoned, a summons could not be issued and served within the prescribed time.

Extension
of time
for service.

- (6) The time for serving a summons under subsection 4 may be extended by a magistrate on sufficient evidence being adduced to show that the person summoned could not be served within the prescribed time.

Proof of
sending.

- (7) The sending of a summons by prepaid post may be proved by the affidavit of the person who posted the summons which shall state,—

- (a) the place, date and time of posting;
- (b) the name of the person and the address to which the summons was sent; and
- (c) that such address is,—
 - (i) to the best of the knowledge and belief of the deponent, the last or most usual place of abode of the person summoned; or
 - (ii) registered with the Department of Highways as being the address of the person summoned, according to advice received from the Department,

and every such affidavit shall be *prima facie* evidence of the facts stated therein.

Commence-
ment of Act. **2.** This Act shall come into force on the 1st day of July,
1941.

Short title. **3.** This Act may be cited as *The Summary Convictions
Amendment Act, 1941.*

BILL

An Act to amend The Summary
Convictions Act.

1st Reading

March 5th, 1941

2nd Reading

3rd Reading

MR. CONANT

No. 47

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Summary Convictions Act.

MR. CONANT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Summary Convictions Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 136, ** a
amended.

1. *The Summary Convictions Act* is amended by adding thereto the following section:

Service by
mail.

Rev. Stat.,
c. 288.

3a.—(1) Every summons issued for a violation of any of the provisions of *The Highway Traffic Act* shall be served by sending it, within ten days of the alleged violation, by prepaid post to the person summoned.

Address.

(2) Every such summons may be sent to the person summoned at his last or most usual place of abode or, where such person is the holder of a license or permit issued by the Minister or Department of Highways, the summons may be sent to him at the address registered with the Department.

Non-appear-
ance of ■
person ■
summoned.

(3) A summons served under subsection 1 shall,—

(a) have endorsed upon its face in bold-face type a notice that if the person summoned does not appear in person or by his counsel or other representative at the time and place indicated in the summons, the summons will be served by personal service or by leaving it at his place of abode, or in the case of the holder of a license or permit issued by the Minister or Department of Highways, at the address registered with the Department, with some inmate thereof apparently not under the age of sixteen years, and that in the event of a conviction, the person summoned may be required to pay the cost of such service; and

- (b) be deemed not to have been served unless the person summoned appears in person or by his counsel or other representative at the time and place named in the summons for appearance. When summons deemed not to have been served.
- (4) Where a summons is deemed not to have been served another summons shall be issued and shall be served within ten days of the date upon which the person is required to appear by the original summons, by personal service or by leaving it for the person summoned at his last or most usual place of abode, or in the case of the holder of a license or permit issued by the Minister or Department of Highways, at the address registered with the Department, with some inmate thereof apparently not under the age of sixteen years. Further summons.
- (5) The time for issuing and serving a summons under subsections 1 and 2 may be extended by a magistrate on sufficient evidence being adduced to show that by reason of the default or unlawful act of the person to be summoned, a summons could not be issued and served within the prescribed time. Extension of time for issue and service.
- (6) The time for serving a summons under subsection 4 may be extended by a magistrate on sufficient evidence being adduced to show that the person summoned could not be served within the prescribed time. Extension of time for service.
- (7) The sending of a summons by prepaid post may be proved by the affidavit of the person who posted the summons which shall state,— Proof of sending.
- (a) the place, date and time of posting;
 - (b) the name of the person and the address to which the summons was sent; and
 - (c) that such address is,—
 - (i) to the best of the knowledge and belief of the deponent, the last or most usual place of abode of the person summoned; or
 - (ii) registered with the Department of Highways as being the address of the person summoned, according to advice received from the Department,

and every such affidavit shall be *prima facie* evidence of the facts stated therein.

Commence-
ment of Act. **2.** This Act shall come into force on the 1st day of July,
1941.

Short title. **3.** This Act may be cited as *The Summary Convictions
Amendment Act, 1941.*



BILL

An Act to amend The Summary
Convictions Act.

1st Reading

March 5th, 1941

2nd Reading

March 10th, 1941

3rd Reading

March 13th, 1941

MR. CONANT

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to confirm Tax Sales.

MR. MCQUESTEN

No. 48.

1941

BILL

An Act to confirm Tax Sales.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Tax sales
and tax
deeds
confirmed.

1. All sales of land held prior to the 1st day of January, 1940, and purporting to have been made for arrears of taxes payable to a municipal corporation or to the school board of a school section in an unorganized township, with respect to the land so sold, are confirmed and declared to be legal, valid and binding, and every conveyance of land so sold purporting to have been executed as required by *The Assessment Act* and purporting to convey such land to the purchaser thereof, his heirs and assigns, or its successors and assigns, is also confirmed and declared to be legal, valid and binding and shall be deemed to have had the effect of vesting such land in the purchaser, his heirs, assigns or legal representatives, in fee simple or otherwise, according to the nature of the estate or interest sold, clear of and free from all right and interest of the owner thereof at the time of such sale and clear of and free from all charges and encumbrances thereon and dower therein except taxes accruing after those for non-payment of which such land was so sold.

Rev. Stat.,
c. 272.

Registered
tax arrears
certificates
confirmed.

1932, c. 27,
1935, c. 16,
Rev. Stat.,
c. 59.

2.—(1) Every tax arrears certificate that was registered prior to the 1st day of January, 1940, that purports to have been registered pursuant to *The Ontario Municipal Board Act, 1932*, *The Department of Municipal Affairs Act, 1935*, or *The Department of Municipal Affairs Act* and that is now outstanding, and the registration thereof, are confirmed and declared to be legal, valid and binding, and shall be deemed to have had the effect of vesting on the day of such registration the land therein described in the corporation of the municipality in which the land is situate, its successors and assigns, in fee simple, clear of and free from all other estate, right, title or interest.

Right of
redemption
continued.

(2) Notwithstanding that under subsection 1 land with respect to which a tax arrears certificate has been registered

EXPLANATORY NOTES

SECTION 1. All sales of land for arrears of taxes held prior to January 1st, 1940, and all conveyances of such land are confirmed and the land vested in the purchasers.

SECTIONS 2, 3 and 4. These sections, which are applicable only to land in municipalities which are supervised by the Department of Municipal Affairs, confirm tax arrears certificates registered prior to January 1st, 1940, and redemption certificates and vacating certificates registered prior to January 1st, 1941.

has become vested in the municipality, and that the period for redemption thereof has expired, the treasurer thereof may, with the approval of the Department of Municipal Affairs, permit such land to be redeemed in the manner provided in section 44 of *The Department of Municipal Affairs Act*.

Rev. Stat.,
c. 59.

Registered
redemption
certificates
confirmed.

1932, c. 27;
1935, c. 16;
Rev. Stat.,
c. 59.

3. Every redemption certificate registered prior to the 1st day of January, 1941, and purporting to have been registered pursuant to *The Ontario Municipal Board Act, 1932, The Department of Municipal Affairs Act, 1935, or The Department of Municipal Affairs Act*, and the registration thereof, are hereby confirmed and declared to be legal, valid and binding, and shall be deemed to have had the effect of vesting in the registered owner at the time of registration of the tax arrears certificate, his heirs or assigns, his original estate, right, title or interest in the land described therein, and of cancelling the tax arrears certificate registered with respect to such land.

Registered
vacating
certificates
confirmed.

1935, c. 16;
Rev. Stat.,
c. 59.

4. Every vacating certificate registered prior to the 1st day of January, 1941, and purporting to have been registered pursuant to *The Department of Municipal Affairs Act, 1935, or The Department of Municipal Affairs Act*, and the registration thereof, are hereby confirmed and declared to be legal, valid and binding, and shall be deemed to have had the effect of vesting in the registered owner at the time of registration of the tax arrears certificate, his heirs or assigns, his original estate, right, title and interest in the land described therein.

Pending
litigation
not affected.

5. This Act shall not affect or prejudice any right of any person in any action, litigation or other proceeding now pending, and any such action, litigation or other proceeding may be continued and finally adjudicated in the same manner and to the same extent as if this Act had not been passed.

Saving as to
rights of
Crown.

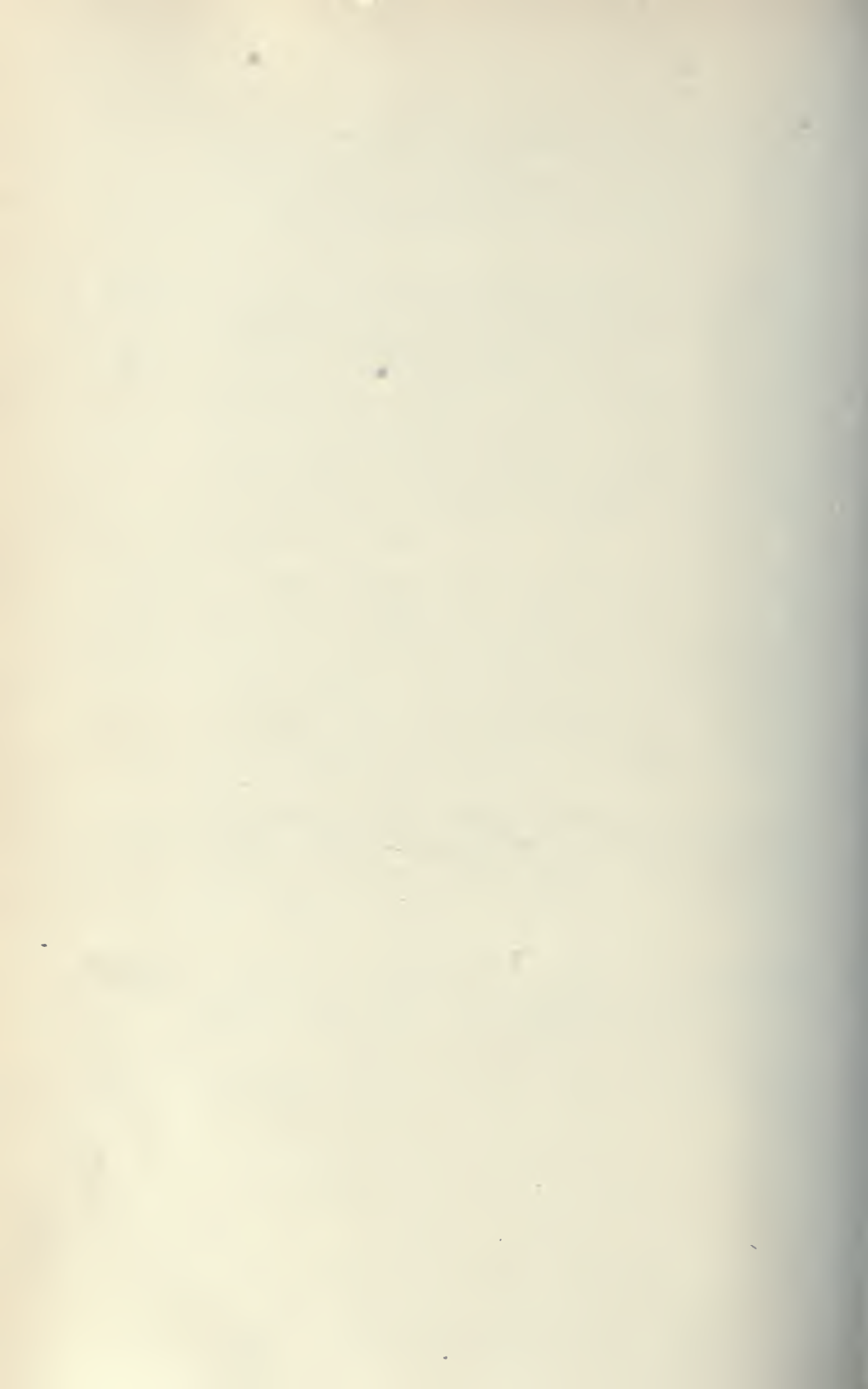
6. This Act shall not affect or defeat the Crown with respect to its interest in any land which, or any interest in which, has been sold for taxes, or against which, or any interest in which, a tax arrears certificate has been registered.

Short title.

7. This Act may be cited as *The Tax Sales Confirmation Act, 1941*.

SECTION 5. Protection is afforded parties to pending litigation.

SECTION 6. Protection is afforded the Crown.



BILL

An Act to confirm Tax Sales.

1st Reading

March 5th, 1941

2nd Reading

3rd Reading

MR. MCQUESTEN

No. 48

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to confirm Tax Sales.

MR. MCQUESTEN

No. 48.

1941

BILL

An Act to confirm Tax Sales.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Tax sales
and tax
deeds
confirmed.

Rev. Stat.,
c. 272.

1. All sales of land held prior to the 1st day of January, 1940, and purporting to have been made for arrears of taxes payable to a municipal corporation or to the school board of a school section in an unorganized township, with respect to the land so sold, are confirmed and declared to be legal, valid and binding, and every conveyance of land so sold purporting to have been executed as required by *The Assessment Act* and purporting to convey such land to the purchaser thereof, his heirs and assigns, or its successors and assigns, is also confirmed and declared to be legal, valid and binding and shall be deemed to have had the effect of vesting such land in the purchaser, his heirs, assigns or legal representatives, in fee simple or otherwise, according to the nature of the estate or interest sold, clear of and free from all right and interest of the owner thereof at the time of such sale and clear of and free from all charges and encumbrances thereon and dower therein except taxes accruing after those for non-payment of which such land was so sold.

Registered
tax arrears
certificates
confirmed.

1932, c. 27,
1935, c. 16,
Rev. Stat.,
c. 59.

2.—(1) Every tax arrears certificate that was registered prior to the 1st day of January, 1940, that purports to have been registered pursuant to *The Ontario Municipal Board Act, 1932, The Department of Municipal Affairs Act, 1935, or The Department of Municipal Affairs Act* and that is now outstanding, and the registration thereof, are confirmed and declared to be legal, valid and binding, and shall be deemed to have had the effect of vesting on the day of such registration the land therein described in the corporation of the municipality in which the land is situate, its successors and assigns, in fee simple, clear of and free from all other estate, right, title or interest.

Right of
redemption
continued.

(2) Notwithstanding that under subsection 1 land with respect to which a tax arrears certificate has been registered

has become vested in the municipality, and that the period for redemption thereof has expired, the treasurer thereof may, with the approval of the Department of Municipal Affairs, permit such land to be redeemed in the manner provided in section 44 of *The Department of Municipal Affairs Act*.

Rev. Stat.,
c. 59.

3. Every redemption certificate registered prior to the 1st day of January, 1941, and purporting to have been registered pursuant to *The Ontario Municipal Board Act, 1932*, *The Department of Municipal Affairs Act, 1935*, or *The Department of Municipal Affairs Act*, and the registration thereof, are hereby confirmed and declared to be legal, valid and binding, and shall be deemed to have had the effect of vesting in the registered owner at the time of registration of the tax arrears certificate, his heirs or assigns, his original estate, right, title or interest in the land described therein, and of cancelling the tax arrears certificate registered with respect to such land.

Registered
redemption
certificates
confirmed.
1932, c. 27;
1935, c. 16;
Rev. Stat.,
c. 59.

4. Every vacating certificate registered prior to the 1st day of January, 1941, and purporting to have been registered pursuant to *The Department of Municipal Affairs Act, 1935*, or *The Department of Municipal Affairs Act*, and the registration thereof, are hereby confirmed and declared to be legal, valid and binding, and shall be deemed to have had the effect of vesting in the registered owner at the time of registration of the tax arrears certificate, his heirs or assigns, his original estate, right, title and interest in the land described therein.

Registered
vacating
certificates
confirmed.
1935, c. 16;
Rev. Stat.,
c. 59.

5. This Act shall not affect or prejudice any right of any person in any action, litigation or other proceeding now pending, and any such action, litigation or other proceeding may be continued and finally adjudicated in the same manner and to the same extent as if this Act had not been passed.

Pending
litigation
not affected.

6. This Act shall not affect or defeat the Crown with respect to its interest in any land which, or any interest in which, has been sold for taxes, or against which, or any interest in which, a tax arrears certificate has been registered.

Saving as to
rights of
Crown.

7. This Act may be cited as *The Tax Sales Confirmation Act, 1941*.

Short title.

An Act to confirm Tax Sales.

1st Reading

March 5th, 1941

2nd Reading

March 19th, 1941

3rd Reading

April 1st, 1941

MR. McQUESTEN

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act respecting Business Brokers.

MR. CONANT

BILL

An Act respecting Business Brokers.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpre-
tation,—

1. In this Act,—

“business”;

(a) “business” shall include interest in a business;

“business
broker”;

(b) “business broker” shall mean a person who for another,—

(i) buys, sells or exchanges any business;

(ii) offers or holds himself out as being prepared to buy, sell or exchange any business;

(iii) arranges or negotiates the purchase, sale or exchange of any business;

(iv) offers or holds himself out as being prepared to arrange or negotiate the purchase, sale or exchange of any business; or

(v) advertises for the purchase, sale or exchange of any business,

for or in the expectation of remuneration, gain or profit;

“Commis-
sion”;

(c) “Commission” shall mean Ontario Securities Commission;

“license”;

(d) “license” shall mean license issued under this Act;

“pre-
scribed”;

(e) “prescribed” shall mean prescribed by this Act or the regulations;

“regula-
tions”;

(f) “regulations” shall mean regulations made under this Act;

EXPLANATORY NOTES

GENERAL. The Act provides for the licensing and control of persons who act as agents for other persons in the sale and exchange of businesses which are sold or exchanged as going concerns. The general principle and arrangement of the Act follows that of the Collection Agencies Act, 1939.

SECTION 1. Self-explanatory.

"registrar"; (g) "registrar" shall mean the person designated by the Commission to act as registrar for the purposes of this Act and the regulations; and

"salesman"; (h) "salesman" shall mean a person employed, appointed or authorized, whether under a general or special appointment or authorization, by a business broker to act on his behalf in connection with the purchase, sale or exchange of any business.

Brokers and
salesmen
to be
licensed. 2. No person shall act as a business broker or salesman unless he is licensed under this Act.

Partnership. 3.—(1) Where a partnership is licensed as a business broker,

(a) every member of the partnership may act as a business broker without any further license; and

(b) no person shall become a member of a partnership after the partnership has made application for a license without the approval of the Commission.

Application
of Act. 4. This Act shall not apply to,—

(a) any barrister or solicitor or his employee in the regular practice of the profession of such barrister or solicitor;

Rev. Stat.,
c. 256. (b) any insurer, agent or broker or his employee, licensed under *The Insurance Act* to the extent of the business authorized by such license;

R.S.C.,
c. 11.
Rev. Stat.,
c. 100.
R.S.C.,
c. 213.
Rev. Stat.,
c. 184. (c) any assignee, custodian, liquidator, receiver, trustee or other person acting under the provisions of the *Bankruptcy Act* (Canada), *The Companies Act*, *The Judicature Act*, the *Winding-up Act* (Canada), any person acting under the order of any court, or any trustee appointed under the provisions of *The Bulk Sales Act*:

Rev. Stat.,
c. 247. (d) any real estate broker or salesman registered under *The Real Estate Brokers Act* or any official or other employee of any such real estate broker to the extent of the business authorized by such registration; or

R.S.C.,
c. 12. (e) any bank to which the *Bank Act* (Canada) applies, or any Province of Ontario Savings Office, or any loan corporation or trust company registered under *The Loan and Trust Corporations Act*, or to employees thereof in the regular course of their employment.

Rev. Stat.,
c. 257.

SECTION 2. Self-explanatory.

SECTION 3 provides that where a partnership is licensed the partners may act as business brokers without obtaining any further license, but no person may subsequently become a partner without the approval of the Commission.

SECTION 4 exempts certain classes of persons from the necessity of obtaining a license as a business broker.

Application
for license.

5.—(1) Every application for a license as a business broker shall be made to the registrar upon the forms provided by the registrar and shall be accompanied by,—

(a) the prescribed fee; and

(b) a bond or negotiable security in the amount and form satisfactory to the Commission.

Bond.

(2) The Commission may require a new or additional bond or negotiable security satisfactory to the Commission to be furnished at any time.

Application
for license
to be made
to registrar.

6. Every application for a license as a salesman shall be made to the registrar upon the forms provided by the registrar, and shall be accompanied by the prescribed fee and such information as the registrar may require.

License,—
issue of.

7.—(1) The Commission, upon the recommendation of the registrar, may issue a license to any person to act as a business broker or as a salesman and every license or renewal thereof shall expire on the 31st day of March following the issue of the license or renewal.

Renewal
of license.

(2) Any license issued under this Act may be renewed from year to year provided application for renewal is made in the prescribed form not later than the 21st day of March prior to the expiration of such license, or any renewal thereof, and every such application shall contain a statement of any change in the facts set out in the application for a license or any prior application for renewal.

Commission
may refuse
to renew
license.

(3) The Commission may refuse to issue or renew a license and may suspend or cancel any license.

Refund
of fee.

(4) The Treasurer of Ontario, upon the recommendation of the registrar, may refund to an applicant for a license or renewal any fee or part thereof paid by the applicant.

Reduction
in amount
of fee.

(5) The registrar may reduce the amount of any fee payable for a license or renewal where any substantial part of the license period has elapsed.

Information
to be given
registrar.

8.—(1) Every business broker shall within ten days notify the registrar in writing of,—

by business
broker.

(a) any change of address;

(b) the commencement and termination of employment of every salesman; and

SECTION 5 sets out the manner in which application for a license as a business broker shall be made and the material to be filed including a bond or negotiable security.

SECTION 6 sets out the manner in which application for license as a salesman shall be made and the material to be filed.

SECTION 7 provides for the issuance of a license to act as a business broker by the Securities Commission and the manner of renewal thereof. It also gives the Commission power to refuse to issue a new license and provides for the refund or reduction in the amount of the fees in certain cases.

SECTION 8 sets out certain information to be given to the Registrar by a business broker and salesman.

- (c) in the case of a company or partnership any change in the officials or members thereof;

by sales-
man.

(2) Every salesman shall within ten days notify the registrar in writing of,—

- (a) any change of address; and
(b) the commencement and termination of his employment by a business broker.

Certificate
as to
financial
condition.

9.—(1) Every business broker shall file with the registrar with every application for a renewal of a license, a certificate satisfactory to the Commission as to the financial condition of the business broker, signed by the business broker or in the case of a company or partnership by two of the officials or partners thereof.

(2) Every business broker shall, when so required by the Commission, furnish to the Commission a financial statement certified to by an independent accountant satisfactory to the Commission.

Forfeiture
of bond or
negotiable
security.

10.—(1) Where the Commission finds that a business broker has failed to pay over moneys paid to or collected by him in connection with the purchase, sale or exchange of any business to the person entitled thereto within thirty days after the sending of a notice to the business broker by the Commission, by prepaid registered mail, requiring him to pay over such moneys, the bond or negotiable security furnished to the Commission by such business broker shall be forfeited to His Majesty in right of Ontario, and in the case of a bond, the sum named therein shall become due and owing by the person bound thereby as a debt due His Majesty in right of Ontario, provided that where the amount of the moneys found to be unpaid is less than the amount of the bond or negotiable security, such bond or negotiable security shall be forfeited only to the extent of such amount.

Commission
may assign
or sell bond
or negotiable
security.

(2) The Commission may assign any bond forfeited, or may sell any negotiable security forfeited in whole or in part and may pay over any moneys received under any bond or by the sale of any negotiable security to any person whom the Commission finds is entitled to moneys paid to or collected by the business broker, in accordance with and upon the conditions contained in the regulations or in any order of the Lieutenant-Governor in Council.

Cheques,
etc., to be
deposited
daily.

11. The registrar shall cause all moneys, cheques, money orders and postal notes in respect of fees to be deposited daily with the Treasurer of Ontario and they shall form part of the Consolidated Revenue Fund.

SECTION 9 provides that a business broker must file a statement of his financial condition with the Registrar upon application for renewal of a license or at any time when required so to do by the Commission.

SECTION 10 provides that the bond or negotiable security required to be filed with the Commission by a business broker shall be forfeited to cover any shortages of the business broker in connection with his business.

SECTION 11. Self-explanatory

Accounting
of money.

12. Every business broker shall upon demand made in writing by the Commission account for all moneys received for or on behalf of his principals or any person for whom he acts in the course of his business.

Trust
Account.

13. Every business broker shall maintain a trust account in a chartered bank, a Province of Ontario Savings Office or a trust company authorized by law to accept deposits and deposit therein all moneys to be held in trust for his principals or any persons for whom he acts.

Books and
records.

14. Every business broker shall keep proper records and books of account showing moneys received and moneys paid out and such books shall include a receipt book, cash book, clients' ledger and journal.

Furnishing
particulars.

15. Every business broker shall, in the case of every purchase, sale or exchange of a business in respect of which he receives or expects to receive any remuneration, gain or profit, before the making of any agreement for such purchase, sale or exchange, furnish to the purchaser, or in the case of an exchange of business, to each party to the agreement,—

- (a) an inventory in writing of the personal property to be transferred under the agreement; and
- (b) a statement in writing of present and past earnings of the business or a statement in writing that he is making no representation as to the earnings of the business.

License
to be
displayed.

16. Every business broker shall display his license and the last renewal thereof in a conspicuous place in his office.

Inspection
of premises.

17. The registrar, or such other person as may be directed in writing by the Commission, shall have authority at any reasonable time to enter the premises of any business broker and examine the books and records of such business broker.

Regulations.

18. The Lieutenant-Governor in Council, upon the recommendation of the Commission, may make regulations,—

- (a) prescribing the form of licenses and renewals and applications therefor;
- (b) requiring business brokers to make returns and furnish information to the Commission;
- (c) governing the keeping of records, books, accounting systems and audits;
- (d) prescribing the amount and form of bonds or negotiable securities to be furnished by business brokers;

SECTION 12. Self-explanatory.

SECTION 13. All moneys held in trust by a business broker for his principals, or any person for whom he acts, must be deposited in the trust account.

SECTION 14. Business brokers must keep proper books.

SECTION 15 requires business brokers to furnish the purchaser with an inventory of the personal property to be transferred, and a statement of any representation made as to the present or past earnings of the business, or a statement that he is making no such representation.

SECTION 16. Self-explanatory.

SECTION 17. Self-explanatory.

SECTION 18 provides for the making of regulations by the Lieutenant-Governor in Council.

(e) prescribing fees payable under this Act; and

(f) generally for the better carrying out of the provisions of this Act.

Penalty.

19. Every person who violates any of the provisions of this Act or the regulations, or who fails or neglects to carry out any order or direction of the Commission made under this Act shall be guilty of an offence and liable to a penalty of not more than \$500.

Consent of
commission
to proceed-
ings under
Act.

20. No proceedings under this Act shall be instituted except with the consent or under the direction of the Commission.

Recovery
of penalties.
Rev. Stat.,
c. 136.

21. The penalties provided by this Act shall be recoverable under *The Summary Convictions Act*.

Commission
to administer
Act.

22. The Commission shall administer this Act and the regulations and shall designate some person to act as registrar.

Short title.

23. This Act may be cited as *The Business Brokers Act 1941*.

SECTION 19 provides for a penalty of not more than \$500 for any breach of the Act.

SECTION 20. Consent of the Commission is required in any proceedings taken under the Act.

SECTION 21. Self-explanatory.

SECTION 22. The Ontario Securities Commission is charged with the administration of the Act.



BILL

An Act respecting Business Brokers.

1st Reading

March 5th, 1941

2nd Reading

3rd Reading

MR. CONANT

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Highway Traffic Act.

MR. MACAULAY

No. 50

1941

BILL

An Act to amend The Highway Traffic Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 288, s. 78,
subs. 1,
cl. a,
amended.

1.—(1) Clause *a* of subsection 1 of section 78 of *The Highway Traffic Act* is amended by striking out the words “if any injury to any person or property occurs in connection therewith” in the second and third lines, so that the said clause shall now read as follows:

Careless
driving.

(a) Any offence for which a penalty is provided in section 27.

Rev. Stat.,
c. 288, s. 78,
subs. 1,
cl. *ee*,
(1939, c. 20,
s. 12, subs.
1) amended.

(2) Clause *ee* of subsection 1 of the said section 78, as enacted by subsection 1 of section 12 of *The Highway Traffic Amendment Act, 1939*, is amended by striking out the words “if any injury to any person or property occurs in connection therewith”, in the second and third lines, so that the said clause shall now read as follows:

Reckless
driving.

(*ee*) Any offence under subsection 6 of section 285 of the *Criminal Code*.

Short title.

2. This Act may be cited as *The Highway Traffic Amendment Act, 1941*.

EXPLANATORY NOTE

Section 78 of *The Highway Traffic Act* provides for the suspension of the driver's license and owner's permit of every person convicted of any of the violations of the law therein set out. Such suspension shall continue until proof of financial responsibility has been filed with the Registrar of Motor Vehicles. Where a person is convicted of careless driving under the Act or reckless or dangerous driving under the *Criminal Code*, no suspension occurs unless injury to any person or property has been occasioned. The amendment renders the provision for suspension applicable wherever there is a conviction for careless driving or for reckless or dangerous driving whether or not there has been injury to any person or property.

An Act to amend The Highway
Traffic Act.

1st Reading

March 7th, 1941

2nd Reading

3rd Reading

MR. MACAULAY

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Highway Traffic Act.

MR. MACAULAY

*(Reprinted as amended by the Committee on
Municipal Law.)*

No. 50

1941

BILL

An Act to amend The Highway Traffic Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 288, s. 78,
subs. 1,
cl. *ee*,
(1939, c. 20,
s. 12, subs.
1) amended.

1. Clause *ee* of subsection 1 of the said section 78, as enacted by subsection 1 of section 12 of *The Highway Traffic Amendment Act, 1939*, is amended by striking out the words "if any injury to any person or property occurs in connection therewith", in the second and third lines, so that the said clause shall now read as follows:

Reckless
driving.

(*ee*) Any offence under subsection 6 of section 285 of the *Criminal Code*.

EXPLANATORY NOTE

Section 78 of *The Highway Traffic Act* provides for the suspension of the driver's license and owner's permit of every person convicted of any of the violations of the law therein set out. Such suspension shall continue until proof of financial responsibility has been filed with the Registrar of Motor Vehicles. Where a person is convicted of careless driving under the Act or reckless or dangerous driving under the *Criminal Code*, no suspension occurs unless injury to any person or property has been occasioned. The amendment renders the provision for suspension applicable wherever there is a conviction for reckless or dangerous driving whether or not there has been injury to any person or property.

An Act to amend The Highway
Traffic Act.

1st Reading

March 7th, 1941

2nd Reading

March 10th, 1941

3rd Reading

MR. MACAULAY

(Reprinted as amended by the Committee on
Municipal Law.)

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Highway Traffic Act.

MR. MACAULAY

BILL

An Act to amend The Highway Traffic Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 288, s. 78,
subs. 1,
cl. *ee*,
(1939, c. 20,
s. 12, subs.
1) amended.

1. Clause *ee* of subsection 1 of the said section 78, as enacted by subsection 1 of section 12 of *The Highway Traffic Amendment Act, 1939*, is amended by striking out the words "if any injury to any person or property occurs in connection therewith", in the second and third lines, so that the said clause shall now read as follows:

Reckless
driving.

(*ee*) Any offence under subsection 6 of section 285 of the *Criminal Code*.

An Act to amend The Highway
Traffic Act.

1st Reading

March 7th, 1941

2nd Reading

March 10th, 1941

3rd Reading

April 1st, 1941

MR. MACAULAY

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Municipal Act.

MR. STRACHAN

BILL

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 266, s. 405,
para. 67
(1938, c. 22,
s. 7, part),
repealed.

1. Paragraph 67 of section 405 of *The Municipal Act*, as enacted by section 7 of *The Municipal Amendment Act, 1938*, is repealed.

Rev. Stat.,
c. 266, s. 420,
par. 11,
amended.

2.—(1) Paragraph 11 of section 420 of *The Municipal Act* is amended by inserting after the word “city” in the fourth line the words “regulating the use of such wheeled vehicles and limiting the weight or size of loads that may be carried thereon”, so that the said paragraph, exclusive of clause *a*, shall now read as follows:

Licensing
users of
wheeled
vehicles.

Rev. Stat.,
c. 288.

11. Requiring all residents in the municipality owning and using any wheeled vehicle other than a motor vehicle as defined in *The Highway Traffic Act* to obtain a license therefor before using the same upon any highway of the city; regulating the use of such wheeled vehicles and limiting the weight or size of loads that may be carried thereon; regulating the issuing of such licenses and the collection of fees therefor; fixing an annual fee not exceeding \$1 for such licenses, which shall be approved of by the Municipal Board; fixing a scale of fees for different vehicles; imposing penalties not exceeding \$5 exclusive of costs upon all persons who contravene any such by-law; and providing that such penalties may be recoverable in the manner provided by this Act.

Rev. Stat.,
c. 266, s. 420,
paras. 12, 13
and 18
(1940, c. 18,
s. 14),
repealed.

(2) Paragraphs 12 and 13 and paragraph 18, as enacted by section 14 of *The Municipal Amendment Act, 1940*, of section 420 of *The Municipal Act* are repealed.

Rev. Stat.,
c. 266, s. 420,
amended.

(3) The said section 420 as amended by section 14 of *The Municipal Amendment Act, 1940*, is further amended by adding thereto the following heading and paragraph:

EXPLANATORY NOTES

SECTION 1. This section repeals one of the several provisions of *The Municipal Act* dealing with encroachments on highways which are re-enacted by section 7 of this Bill.

SECTION 2, Subsection 1. This amendment will enable councils of cities to pass by-laws regulating the size and weight of loads to be carried on bicycles.

Subsection 2. This subsection repeals three of the several provisions of *The Municipal Act* dealing with encroachments on highways which are re-enacted by section 7 of this Bill.

Subsection 3. This provision will enable councils of cities to pass by-laws prohibiting street vendors (flowers, etc.) from doing business on certain streets.

Sales in Highways.

Street
vendors.

19. For prohibiting, upon such highway or part thereof as may be defined in the by-law, the sale or offering for sale of such goods, wares, merchandise or things as are specified in the by-law.

Rev. Stat.,
c. 266, s. 435,
par. 1 (1940,
c. 18, s. 15),
amended.

3. Paragraph 1 of section 435 of *The Municipal Act* as re-enacted by section 15 of *The Municipal Amendment Act, 1940*, is amended by inserting after the word "licensing" in the third line the words "regulating and governing", so that the said paragraph, exclusive of clause *a*, shall now read as follows:

Licensing,
etc., dry
cleaners, etc.

1. For regulating and governing the business of dry cleaning, dry dyeing, cleaning and pressing and spotting or stain removing; for licensing, regulating and governing any person using any land in the municipality for the purposes of any such business including land used for the purpose of receiving articles or goods to be subjected to any such process and for the distribution of articles or goods which have been subjected to any such process; for authorizing the architect or other person named in the by-law to allow such variation from the standard requirements in the case of any existing business as he may approve; for establishing a maximum and minimum tariff of charges to be made by any person engaging in any such business and for revoking any such license.

Rev. Stat.,
c. 266, s. 438,
par. 2, re-
enacted.

4. Paragraph 2 of section 438 of *The Municipal Act* is repealed and the following substituted therefor:

Licensing
and
governing
retail
tobacconists.

2. For licensing, regulating and governing persons who by themselves or their employees or agents or by means of mechanical devices sell or offer for sale tobacco, cigars or cigarettes by retail, and for revoking any such license.

- (a) Every such person shall require a separate license in respect of each place in which tobacco, cigars or cigarettes are so sold or offered for sale.

Rev. Stat.,
c. 266, s. 439,
amended.

5. Section 439 of *The Municipal Act* is amended by adding thereto the following paragraph:

Amusement
devices.

- 2a. For licensing, regulating and governing keepers of premises upon which is located any mechanical device for amusement or entertainment and for revoking any such license.

SECTION 3. This amendment will enable receiving and distributing depots of dry cleaning, dyeing and cleaning and pressing businesses to be regulated and governed. At present such places may be licensed only.

SECTION 4. At present only the keepers of stores and shops where tobacco, cigars or cigarettes are sold by retail can be licensed. The new provision is wider in its scope as experience has shown the present law to be inadequate. Licensed tobacconists find it necessary to compete with persons who do not come within the licensing by-law.

SECTION 5. This provision, which is new, authorizes the licensing, regulating and governing the keepers of premises on which mechanical amusement devices are located.

- (a) Such by-law may specify the type of such device to be permitted and may prohibit the location of any other type of such device.
- (b) The fee for such license shall not exceed \$25 for any one such device and need not be the same in respect of various types of such devices.

Rev. Stat.,
c. 266, s. 440,
par. 4, cl. a,
amended.

6. Clause *a* of paragraph 4 of section 440 of *The Municipal Act* is amended by striking out the symbol and figure "\$1" in the first line and inserting in lieu thereof the symbol and figures "\$25", so that the said clause shall now read as follows:

- (a) The fee to be paid for a license shall not exceed \$25 per year.

Rev. Stat.,
c. 266, s. 495,
subs. 1,
amended.

7.—(1) Subsection 1 of section 495 of *The Municipal Act* is amended by adding thereto the following clauses:

- (g) for permitting the construction and maintenance of footings or foundation walls under a highway;
- (h) for permitting cornices, eaves, canopies, fire escapes, awnings and other similar projections from buildings to be constructed over a highway at such height as will not interfere with the use of the highway;
- (i) for permitting for such period of time as the council may deem proper the maintenance and use of any building or other erection which by inadvertance has been wholly or partially erected upon, under or over a highway;
- (j) for permitting a portion of a highway to be used for the storage of building materials or for the erection of hoardings during the time a building is being erected, altered, repaired or demolished on land adjacent to such highway, and for regulating the placing of such materials or hoardings and the issuing of permits for such privileges;
- (k) for permitting the construction, maintenance and use of areas under a highway and openings to such areas in the highway;
- (l) for permitting the construction, maintenance and use of bridges or other structures over a highway, or tunnels or other structures under a highway;
- (m) for permitting the erection and maintenance of signs or other advertising devices which project over a highway;

SECTION 6. This amendment increases the maximum license fee of old gold dealers from \$1 to \$25, which is the maximum license fee in the case of dealers in second hand goods.

SECTION 7. Encroachments on, over and under highways at present are dealt with in several sections in different parts of *The Municipal Act*. Some are applicable to cities only, others to local municipalities only, and others to every municipality.

The purpose of this section is to modernize, clarify and consolidate these privileges, making all applicable to all municipalities.

- (n) for permitting any existing building to encroach upon a highway to the extent necessary for the refacing of such building, provided such encroachment does not extend more than two inches beyond the original face of such building; and
- (o) for prescribing the terms and conditions on which any privilege under subsection 1 may be granted, for making such charge for any such privilege as the council may deem reasonable and for providing that upon the termination of any such privilege the highway shall be restored to its former condition at the expense of the owner of the land to which the privilege is appurtenant.

Rev. Stat., c. 266, s. 495, amended. (2) The said section 495 is further amended by adding thereto the following subsections:

Privilege deemed appurtenant.

- (1a) Any privilege granted under subsection 1 shall be deemed to be appurtenant to the land in connection with which such privilege is granted.

Charge and expense.

- (1b) Every charge for a privilege granted under subsection 1 and any expense incurred by the corporation in restoring the highway to its former condition upon the termination of the privilege shall be a charge upon the land to which the privilege is appurtenant and may be entered on the collector's roll and collected in the same manner as taxes under *The Assessment Act*.

Rev. Stat., c. 272.

Liability of corporation re encroachments.

- (1c) Subject to section 480 the corporation shall be liable for any want of repair of the highway resulting from the grant of any privilege under subsection 1, and shall be entitled in addition to the remedy over provided by section 486 to a remedy over against the owner of the land to which the privilege is appurtenant.

Rev. Stat., c. 266, s. 507, para. 3, repealed.

8. Paragraph 3 of section 507 of *The Municipal Act* is repealed.

SECTION 8. This section repeals one of the several provisions of *The Municipal Act* dealing with encroachments on highways which are re-enacted by section 7 of this Bill.



An Act to amend The Municipal Act

1st Reading

March 10th, 1941

2nd Reading

3rd Reading

MR. STRACHAN

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Municipal Act.

MR. KENNEDY

BILL

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 266, s. 330,
re-enacted.

1. Section 330 of *The Municipal Act* is repealed and the following substituted therefor:

Disposition
of "The
Ontario
Municipal-
ities Fund"
moneys.

330. Where a corporation has surplus money derived from "The Ontario Municipalities Fund" or from any other source, which is set apart for educational purposes and invested, as well as any other money held by the corporation for or appropriated by it to such purposes, in the form of securities or loans or applied as authorized by this Act, the council may, with the approval of the Municipal Board, dispose of such investments and apply the proceeds thereof directly or by means of a scheme of amortization in aid of schools in the municipality.

EXPLANATORY NOTE

The purpose of the amendment is to require moneys derived by municipalities from "The Ontario Municipalities Fund" or from any other source and set apart and invested for educational purposes, to be used directly or by amortization in aid of schools in the municipality.

An Act to amend The Municipal Act.

1st Reading

March 10th, 1941

2nd Reading

3rd Reading

MR. KENNEDY

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Mental Hospitals Act.

MR. KIRBY

BILL

An Act to amend The Mental Hospitals Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 392, s. 16,
subs. 1,
amended.

1.—(1) Subsection 1 of section 16 of *The Mental Hospitals Act* is amended by adding at the end thereof the words “and to return such patient to an institution when the patient has received such treatment as may be necessary”, so that the said subsection shall now read as follows:

Transfers
to public
hospitals.

- (1) Where the superintendent of any institution reports to the Deputy Minister that any patient therein requires hospital treatment which cannot be supplied therein, the Deputy Minister shall, if otherwise permitted by law, have authority to transfer such patient to a public hospital for treatment, which cannot be supplied in the institution and to return such patient to an institution when the patient has received such treatment as may be necessary.

Rev. Stat.,
c. 392, s. 16,
amended.

(2) The said section 16, as amended by section 20 of *The Statute Law Amendment Act, 1939*, is further amended by adding thereto the following subsection:

Control of
transferee.

- (4) Where a patient has been transferred under the provisions of subsection 1 or subsection 3 the superintendent of the institution to which he has been transferred shall in addition to any of the powers conferred upon him by the general or special Act under which the hospital operates, have the power of a superintendent of an institution under this Act, with respect to the custody and control of such patient.

Rev. Stat.,
c. 392, s. 29,
subs. 1,
amended.

2. Subsection 1 of section 29 of *The Mental Hospitals Act* is amended by inserting after the word “and” in the fourth line the words “copies of”, so that the said subsection shall now read as follows:

EXPLANATORY NOTES

SECTION 1—(1) The Deputy Minister of Health has authority to transfer a patient from a mental hospital to a public hospital for special treatment. The amendment removes doubt as to the right to return him to the mental hospital when treatment has been completed.

(2) Where a patient is transferred from a mental hospital to a public hospital or psychiatric hospital for special treatment or investigation, the superintendent of the public or psychiatric hospital shall, with respect to the custody and control of such patient, have the same powers as a superintendent of a mental hospital.

SECTION 2. The amendment provides that where a magistrate finds a patient to be mentally ill or mentally defective he shall transmit copies of the information, warrant and depositions instead of the originals, to the Deputy Minister.

Magistrate's
certificate,
etc., to be
sent to
Deputy
Minister.

- (1) Where any such person is found to be mentally ill or mentally defective the magistrate shall immediately transmit to the Deputy Minister his certificate and the certificates of the medical practitioners and copies of the information, warrant and depositions taken before him, accompanied by a written statement of the result of his inquiries as to the financial condition of such mentally ill or mentally defective person and the person or persons legally liable for his maintenance, and as to the other matters mentioned in the prescribed form, so far as ascertained, and giving the present address of such mentally ill or mentally defective person, and the name and address of the person in whose custody he is, and such further information as he may deem advisable.

Short title.

3. This Act may be cited as *The Mental Hospitals Amendment Act, 1941*.

An Act to amend The Mental
Hospitals Act.

1st Reading

March 10th, 1941

2nd Reading

3rd Reading

MR. KIRBY

No. 53

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Mental Hospitals Act.

MR. KIRBY

BILL

An Act to amend The Mental Hospitals Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 392, s. 16,
subs. 1,
amended.

1.—(1) Subsection 1 of section 16 of *The Mental Hospitals Act* is amended by adding at the end thereof the words “and to return such patient to an institution when the patient has received such treatment as may be necessary”, so that the said subsection shall now read as follows:

Transfers
to public
hospitals.

- (1) Where the superintendent of any institution reports to the Deputy Minister that any patient therein requires hospital treatment which cannot be supplied therein, the Deputy Minister shall, if otherwise permitted by law, have authority to transfer such patient to a public hospital for treatment, which cannot be supplied in the institution and to return such patient to an institution when the patient has received such treatment as may be necessary.

Rev. Stat.,
c. 392, s. 16,
amended.

(2) The said section 16, as amended by section 20 of *The Statute Law Amendment Act, 1939*, is further amended by adding thereto the following subsection:

Control of
transferee.

- (4) Where a patient has been transferred under the provisions of subsection 1 or subsection 3 the superintendent of the institution to which he has been transferred shall in addition to any of the powers conferred upon him by the general or special Act under which the hospital operates, have the power of a superintendent of an institution under this Act, with respect to the custody and control of such patient.

Rev. Stat.,
c. 392, s. 29,
subs. 1,
amended.

2. Subsection 1 of section 29 of *The Mental Hospitals Act* is amended by inserting after the word “and” in the fourth line the words “copies of”, so that the said subsection shall now read as follows:

- (1) Where any such person is found to be mentally ill or mentally defective the magistrate shall immediately transmit to the Deputy Minister his certificate and the certificates of the medical practitioners and copies of the information, warrant and depositions taken before him, accompanied by a written statement of the result of his inquiries as to the financial condition of such mentally ill or mentally defective person and the person or persons legally liable for his maintenance, and as to the other matters mentioned in the prescribed form, so far as ascertained, and giving the present address of such mentally ill or mentally defective person, and the name and address of the person in whose custody he is, and such further information as he may deem advisable.
- Magistrate's
certificate,
etc., to be
sent to
Deputy
Minister.

3. This Act may be cited as *The Mental Hospitals Amendment Act, 1941*. Short title.

An Act to amend The Mental
Hospitals Act.

1st Reading

March 10th, 1941

2nd Reading

March 17th, 1941

3rd Reading

April 7th, 1941

MR. KIRBY

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act respecting the Subsidizing of Cheese and Hogs Produced
in Ontario.

MR. DEWAN

BILL

An Act respecting the Subsidizing of Cheese and
Hogs Produced in Ontario.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

Interpre-
tation,—

1. In this Act,—

"cheese";

(a) "cheese" shall mean cheddar cheese;

"Depart-
ment";

(b) "Department" shall mean Department of Agriculture;

"Minister";

(c) "Minister" shall mean Minister of Agriculture; and

"regula-
tions".

(d) "regulations" shall mean regulations made under the
authority of this Act.

Cheese
and hog
subsidy.

2. During such periods as the Lieutenant-Governor in
Council may prescribe, a subsidy shall be paid out of the
Consolidated Revenue Fund,—

(a) to every person who produces milk in Ontario which
is subsequently processed into cheese, of an amount,
to be fixed by the Lieutenant-Governor in Council,
not exceeding two cents for each pound of cheese
produced from such milk;

(b) to every person who produces hogs in Ontario and
sells them through regular trade channels to be
processed, of an amount, to be fixed by the Lie-
utenant-Governor in Council, not exceeding \$1 for
each hog so produced, sold and processed.

Administra-
tion of Act.

3. The Minister shall be charged with the administration
and enforcement of this Act and the regulations and may
delegate to any officer of the Department such of his powers as
he may deem expedient.

EXPLANATORY NOTES

The purpose of this Bill is to provide a subsidy to every person who produces milk which is subsequently processed into cheese, and a subsidy to every person who produces hogs of such grades as the regulations may prescribe and sells such hogs through regular trade channels to be processed.

The amount of the subsidy will be fixed by the Lieutenant-Governor in Council and will be an amount not exceeding 2 cents per pound in the case of cheese or \$1 per hog.

Regulations. **4.** The Lieutenant-Governor in Council may make regulations,—

- (a) fixing the amounts of the subsidy provided for by section 2 including the fixing of different amounts for different grades of hogs;
- (b) prescribing the forms of application for subsidy and the information to be furnished with each application;
- (c) regulating the payment of moneys for subsidy and the form and manner in which the subsidy shall be paid;
- (d) designating the regular trade channels through which hogs shall be sold to entitle the producer to receive a subsidy;
- (e) prescribing the periods during which the subsidies under this Act shall be payable;
- (f) providing for the pro-rating among milk producers by the owners of cheese factories, of the cheese produced by such factories in accordance with the quantity and quality of milk received from milk producers;
- (g) providing for the withholding of any subsidy payable to any person who fails to comply with any provision of this Act or the regulations;
- (h) requiring persons engaged in the business of processing milk into cheese and processing hogs to furnish information in respect of such milk, cheese or hogs and requiring such persons to produce their books and records for the purpose of inspection or audit; and
- (i) generally for the better carrying out of the purpose and intent of this Act.

Penalty.

5.—(1) Any person who violates any of the provisions of this Act or the regulations or who falsifies any record or book relating to milk, cheese or hogs shall be guilty of an offence and liable to a penalty of not less than \$50 and for every subsequent offence, to a penalty of not less than \$200.

Recovery
of penalties.
Rev. Stat.,
c. 136.

(2) The penalties imposed under this Act shall be recoverable under *The Summary Convictions Act*.

Commence-
ment of Act.

6. This Act shall come into force on the day upon which it receives the Royal Assent and shall have effect from and after the 1st day of February, 1941, and shall remain in force and have effect until the 31st day of March, 1942.

Short title.

7. This Act may be cited as *The Cheese and Hog Subsidy Act, 1941*.

BILL

An Act respecting the Subsidizing of Cheese
and Hogs produced in Ontario.

1st Reading

March 10th, 1941

2nd Reading

3rd Reading

MR. DEWAN

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act respecting the Subsidizing of Cheese and Hogs Produced
in Ontario.

MR. DEWAN

BILL

An Act respecting the Subsidizing of Cheese and Hogs Produced in Ontario.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpre-
tation,—

1. In this Act,—

"cheese";

(a) "cheese" shall mean cheddar cheese;

"Depart-
ment";

(b) "Department" shall mean Department of Agriculture;

"Minister";

(c) "Minister" shall mean Minister of Agriculture; and

"regula-
tions".

(d) "regulations" shall mean regulations made under the authority of this Act.

Cheese
and hog
subsidy.

2. During such periods as the Lieutenant-Governor in Council may prescribe, a subsidy shall be paid out of the Consolidated Revenue Fund,—

(a) to every person who produces milk in Ontario which is subsequently processed into cheese, of an amount, to be fixed by the Lieutenant-Governor in Council, not exceeding two cents for each pound of cheese produced from such milk;

(b) to every person who produces hogs in Ontario and sells them through regular trade channels to be processed, of an amount, to be fixed by the Lieutenant-Governor in Council, not exceeding \$1 for each hog so produced, sold and processed.

Administra-
tion of Act.

3. The Minister shall be charged with the administration and enforcement of this Act and the regulations and may delegate to any officer of the Department such of his powers as he may deem expedient.

4. The Lieutenant-Governor in Council may make regula- ^{Regulations.}
tions,—

- (a) fixing the amounts of the subsidy provided for by section 2 including the fixing of different amounts for different grades of hogs;
- (b) prescribing the forms of application for subsidy and the information to be furnished with each application;
- (c) regulating the payment of moneys for subsidy and the form and manner in which the subsidy shall be paid;
- (d) designating the regular trade channels through which hogs shall be sold to entitle the producer to receive a subsidy;
- (e) prescribing the periods during which the subsidies under this Act shall be payable;
- (f) providing for the pro-rating among milk producers by the owners of cheese factories, of the cheese produced by such factories in accordance with the quantity and quality of milk received from milk producers;
- (g) providing for the withholding of any subsidy payable to any person who fails to comply with any provision of this Act or the regulations;
- (h) requiring persons engaged in the business of processing milk into cheese and processing hogs to furnish information in respect of such milk, cheese or hogs and requiring such persons to produce their books and records for the purpose of inspection or audit; and
- (i) generally for the better carrying out of the purpose and intent of this Act.

5.—(1) Any person who violates any of the provisions of ^{Penalty.} this Act or the regulations or who falsifies any record or book relating to milk, cheese or hogs shall be guilty of an offence and liable to a penalty of not less than \$50 and for every subsequent offence, to a penalty of not less than \$200.

(2) The penalties imposed under this Act shall be recover-
able under *The Summary Convictions Act*.

<sup>Recovery
of penalties.
Rev. Stat.,
c. 136.</sup>

6. This Act shall come into force on the day upon which <sup>Commence-
ment of Act.</sup> it receives the Royal Assent and shall have effect from and after the 1st day of February, 1941, and shall remain in force and have effect until the 31st day of March, 1942.

7. This Act may be cited as *The Cheese and Hog Subsidy* ^{Short title.}
Act, 1941.

An Act respecting the Subsidizing of Cheese
and Hogs produced in Ontario.

1st Reading

March 10th, 1941

2nd Reading

April 7th, 1941

3rd Reading

April 9th, 1941

MR. DEWAN

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act respecting the Rainbow Bridge.

MR. MCQUESTEN

BILL

An Act respecting the Rainbow Bridge.

Preamble.

WHEREAS the Commission is constructing the centre span of the bridge for the purpose of connecting the highways of the State of New York and the King's Highway of Ontario; whereas the Province and the State are expending large sums of money in constructing the respective approaches to the said centre span; whereas the Province and the Commission have acquired title to the land in the City upon, under and over which the portion of the bridge in Ontario including the approach, centre span and all buildings, structures, erections and works forming a part of the bridge or connected therewith and the appurtenances thereto are being constructed; whereas upon payment of the corporate obligations of the Commission the portion of the bridge in Ontario, including the land, approach, centre span, buildings, structures, erections, works and appurtenances, is to be conveyed to the Province free of cost or other expense; whereas the expenditures made by the government of the Province in connection with the bridge have been made for the benefit of the Province and it is considered desirable that the said obligations of the Commission shall be retired, paid and discharged at the earliest possible date so that the interest of the Commission in the portion of the bridge in Ontario may be conveyed to the Province; whereas it is the intention of the government of the Province upon receiving such conveyance to make that part of the bridge which is in Ontario a part of the King's Highway of Ontario; whereas it is desirable that the City shall be recompensed for the loss of taxes sustained by the acquisition of the said lands by the Province; and whereas it is the intention that the aforesaid bridge, including the land, approach, centre span, buildings, structures, erections and works forming a part of the bridge or connected therewith and the appurtenances thereto shall be and remain at all time in the future exempt from taxation including local improvement and school rates levied or imposed by the corporation of any municipality;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

EXPLANATORY NOTE

The Rainbow Bridge is exempted from municipal taxation and the Province will pay \$12,000 annually to the City of Niagara Falls during the years 1941 to 1980 inclusive in compensation for the taxes lost by such exemption.

Interpre-
tation,—

1. In this Act,—

“bridge”;

(a) “bridge” shall mean the international bridge now being constructed across the Niagara River between the City of Niagara Falls in Ontario and the City of Niagara Falls in New York, known as the “Rainbow Bridge” and shall include land, approach, centre span and all buildings, structures, erections and works forming part of the bridge or connected therewith, and the appurtenances thereto;

“Commis-
sion”;

(b) “Commission” shall mean Niagara Falls Bridge Commission, a corporation incorporated under the laws of the United States of America by joint resolution of the Senate and the House of Representatives in Congress assembled, dated the 16th day of June, 1938;

“Province”;

(c) “Province” shall mean Province of Ontario;

“State”;

(d) “State” shall mean State of New York; and

“City”.

(e) “City” shall mean corporation of the City of Niagara Falls in the Province of Ontario.

Exemption
from
taxation.

2. The portion of the bridge in Ontario including the approach, centre span and all buildings, structures, erections and works forming a part of the bridge or connected therewith and the appurtenances thereto and the land upon, under and over which such bridge, approach, centre span, buildings, structures, erections, works and appurtenances are erected as well as any highway forming part of or connected with the bridge, shall now and at all time in the future be exempt from all taxation including local improvement and school rates levied or imposed by the corporation of any municipality.

Annual
payment
to city.

3.—(1) There shall be paid out of the Consolidated Revenue Fund to the City the annual sum of \$12,000 in the year 1941 and in each year thereafter until and including the year 1980.

Time of
payment.

(2) Such annual sum shall be paid on or before the 1st day of May in each year during which it is to be paid.

Short title.

4. This Act may be cited as *The Rainbow Bridge Act, 1941*.



BILL

An Act respecting the Rainbow Bridge.

1st Reading

March 10th, 1941

2nd Reading

3rd Reading

MR. McQUESTEN

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act respecting the Rainbow Bridge.

MR. MCQUESTEN

*(Reprinted as amended in Committee
of the Whole House.)*

BILL

An Act respecting the Rainbow Bridge.

Preamble.

WHEREAS the Commission is constructing the centre span of the bridge for the purpose of connecting the highways of the State of New York and the King's Highway of Ontario; whereas the Province and the State are expending large sums of money in constructing the respective approaches to the said centre span; whereas the Province has acquired title to the land in the City upon, under and over which the portion of the bridge in Ontario including the centre span and all buildings, structures, erections and works forming a part of the bridge or connected therewith and the appurtenances thereto are being constructed; whereas upon payment of the corporate obligations of the Commission the portion of the bridge in Ontario, including the centre span, buildings, structures, erections, works and appurtenances, is to be conveyed to the Province free of cost or other expense; whereas the expenditures made by the government of the Province in connection with the approach to the bridge have been made for the benefit of the Province and it is considered desirable that the said obligations of the Commission shall be retired, paid and discharged at the earliest possible date so that the interest of the Commission in the portion of the bridge in Ontario may be conveyed to the Province; whereas it is the intention of the government of the Province upon receiving such conveyance to make that part of the bridge which is in Ontario a part of the King's Highway of Ontario; whereas it is desirable that the City shall be recompensed for the loss of taxes sustained by the acquisition of the said lands by the Province; and whereas it is the intention that the aforesaid bridge, including the land, centre span, buildings, structures, erections and works forming a part of the bridge or connected therewith and the appurtenances thereto shall be and remain at all time in the future exempt from taxation including local improvement and school rates levied or imposed by the corporation of any municipality;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

EXPLANATORY NOTE

The Rainbow Bridge is exempted from municipal taxation and the Province will pay \$12,000 annually to the City of Niagara Falls during the years 1941 to 1980 inclusive in compensation for the taxes lost by such exemption.

Interpre-
tation,—

1. In this Act,—

"bridge";

- (a) "bridge" shall mean the international bridge now being constructed across the Niagara River between the City of Niagara Falls in Ontario and the City of Niagara Falls in New York, known as the "Rainbow Bridge" and shall include land, centre span and all buildings, structures, erections and works forming part of the bridge or connected therewith, and the appurtenances thereto;

"Commis-
sion";

- (b) "Commission" shall mean Niagara Falls Bridge Commission, a corporation incorporated under the laws of the United States of America by joint resolution of the Senate and the House of Representatives in Congress assembled, dated the 16th day of June, 1938;

"Province";

- (c) "Province" shall mean Province of Ontario;

"State";

- (d) "State" shall mean State of New York; and

"City".

- (e) "City" shall mean corporation of the City of Niagara Falls in the Province of Ontario.

Exemption
from
taxation.

2. The portion of the bridge in Ontario including the centre span and all buildings, structures, erections and works forming a part of the bridge or connected therewith and the appurtenances thereto and the land upon, under and over which such bridge, centre span, buildings, structures, erections, works and appurtenances are erected as well as the approach to the bridge and any highway forming part of or connected with the bridge, shall now and at all time in the future be exempt from all taxation including local improvement and school rates levied or imposed by the corporation of any municipality.

Annual
payment
to city.

3.—(1) There shall be paid out of the Consolidated Revenue Fund to the City the annual sum of \$12,000 in the year 1941 and in each year thereafter until and including the year 1980.

Time of
payment.

(2) Such annual sum shall be paid on or before the 1st day of May in each year during which it is to be paid.

Short title.

4. This Act may be cited as *The Rainbow Bridge Act, 1941*.



An Act respecting the Rainbow Bridge.

1st Reading

March 10th, 1941

2nd Reading

April 4th, 1941

3rd Reading

MR. MCQUESTEN

*(Reprinted as amended in Committee
of the Whole House.)*

No. 55

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act respecting the Rainbow Bridge.

MR. MCQUESTEN

BILL

An Act respecting the Rainbow Bridge.

Preamble.

WHEREAS the Commission is constructing the centre span of the bridge for the purpose of connecting the highways of the State of New York and the King's Highway of Ontario; whereas the Province and the State are expending large sums of money in constructing the respective approaches to the said centre span; whereas the Province has acquired title to the land in the City upon, under and over which the portion of the bridge in Ontario including the centre span and all buildings, structures, erections and works forming a part of the bridge or connected therewith and the appurtenances thereto are being constructed; whereas upon payment of the corporate obligations of the Commission the portion of the bridge in Ontario, including the centre span, buildings, structures, erections, works and appurtenances, is to be conveyed to the Province free of cost or other expense; whereas the expenditures made by the government of the Province in connection with the approach to the bridge have been made for the benefit of the Province and it is considered desirable that the said obligations of the Commission shall be retired, paid and discharged at the earliest possible date so that the interest of the Commission in the portion of the bridge in Ontario may be conveyed to the Province; whereas it is the intention of the government of the Province upon receiving such conveyance to make that part of the bridge which is in Ontario a part of the King's Highway of Ontario; whereas it is desirable that the City shall be recompensed for the loss of taxes sustained by the acquisition of the said lands by the Province; and whereas it is the intention that the aforesaid bridge, including the land, centre span, buildings, structures, erections and works forming a part of the bridge or connected therewith and the appurtenances thereto shall be and remain at all time in the future exempt from taxation including local improvement and school rates levied or imposed by the corporation of any municipality;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre-
tation,—

- (a) "bridge" shall mean the international bridge now "bridge";
being constructed across the Niagara River between
the City of Niagara Falls in Ontario and the City of
Niagara Falls in New York, known as the "Rain-
bow Bridge" and shall include land, centre span
and all buildings, structures, erections and works
forming part of the bridge or connected therewith,
and the appurtenances thereto;
- (b) "Commission" shall mean Niagara Falls Bridge Com- "Commis-
mission, a corporation incorporated under the laws sion";
of the United States of America by joint resolution
of the Senate and the House of Representatives in
Congress assembled, dated the 16th day of June,
1938;
- (c) "Province" shall mean Province of Ontario; "Province";
- (d) "State" shall mean State of New York; and "State";
- (e) "City" shall mean corporation of the City of Niagara "City".
Falls in the Province of Ontario.

2. The portion of the bridge in Ontario including the Exemption
centre span and all buildings, structures, erections and from
works forming a part of the bridge or connected therewith taxation.
and the appurtenances thereto and the land upon, under
and over which such bridge, centre span, buildings,
structures, erections, works and appurtenances are erected as
well as the approach to the bridge and any highway forming
part of or connected with the bridge, shall now and at all
time in the future be exempt from all taxation including
local improvement and school rates levied or imposed by the
corporation of any municipality.

3.—(1) There shall be paid out of the Consolidated Revenue Annual
Fund to the City the annual sum of \$12,000 in the year 1941 payment
and in each year thereafter until and including the year 1980. to city.

(2) Such annual sum shall be paid on or before the 1st day Time of
of May in each year during which it is to be paid. payment.

4. This Act may be cited as *The Rainbow Bridge Act, 1941*. Short title.

Bill
An Act respecting the Rainbow Bridge.

1st Reading

March 10th, 1941

2nd Reading

April 4th, 1941

3rd Reading

April 8th, 1941

MR. McQUESTEN

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Weed Control Act.

MR. KENNEDY

BILL

An Act to amend The Weed Control Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 344, s. 13,
subs. 1,
amended.

1. Subsection 1 of section 13 of *The Weed Control Act* is amended by adding at the end thereof the words "provided that where poles have been erected upon any such street or highway for the purpose of bearing cables, ducts or wires of any telegraph, telephone, electric or other works, the owner of such poles shall pay to the road authority one-half of the cost of cutting down or destroying the weeds growing between the travelled portion of the street or highway and the boundary line of the street or highway which is on the same side of the travelled portion as the poles", so that the said subsection shall now read as follows:

Road
authority,—
duty of as
to cutting
weeds.

- (1) It shall be the duty of every road authority to see that all weeds growing upon streets or highways under its jurisdiction are cut down or destroyed at the proper time to prevent the ripening of their seed, and to appoint such officers as may be necessary for that purpose; provided that where poles have been erected upon any such street or highway for the purpose of bearing cables, ducts or wires of any telegraph, telephone, electric or other works, the owner of such poles shall pay to the road authority one-half of the cost of cutting down or destroying the weeds growing between the travelled portion of the street or highway and the boundary line of the street or highway which is on the same side of the travelled portion as the poles.

Proviso.

Short title.

2. This Act may be cited as *The Weed Control Amendment Act, 1941*.

EXPLANATORY NOTE

The Weed Control Act requires a road authority to cut or destroy all weeds upon the highway. This could be done by horse drawn mowers but for the fact that telephone, electric and other utility companies place their poles mid-way between the travelled portion of the road and the fence. The amendment renders the owner of the poles liable for one-half the cost of cutting the weeds which are upon the same side of the road as the poles.

1st Reading

March 10th, 1941

2nd Reading

3rd Reading

MR. KENNEDY

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Jurors Act.

MR. STRACHAN

BILL

An Act to amend The Jurors Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 108, s. 3,
subs. 1, re-
enacted.

1. Subsection 1 of section 3 of *The Jurors Act*, as amended by section 1 of *The Jurors Amendment Act, 1940*, is repealed and the following substituted therefor:

Persons
exempted
from serv-
ing as
jurors.

(1) The following persons shall be exempt from being returned and from serving as grand or petit jurors, and their names shall not be entered on the rolls prepared and reported by the selectors of jurors as hereinafter mentioned,—

- (a) Every person sixty-five years of age or upwards,
- (b) Every member of the Privy Council of Canada and of the Executive Council of Ontario;
- (c) Every member of the Senate and of the House of Commons of Canada and of the Assembly;
- (d) The secretaries of the Governor-General and of the Lieutenant-Governor;
- (e) Every judge;
- (f) Every police magistrate;
- (g) Every sheriff, coroner, gaoler and keeper of a house of correction or lock-up house;
- (h) Every sheriff's officer and constable;
- (i) Every police officer and constable;

EXPLANATORY NOTE

The Bill makes liable for jury duty several classes of persons who are now exempted therefrom. It also renders police officers and constables exempt from jury duty. In effect it implements three recommendations of the Select Committee appointed to inquire into the administration of justice. The recommendations which are made under the heading "Improving the Qualifications of Jurors", appear at pages 48 and 49 of the Committee's report and are as follows:

"2. That the following persons now exempt be made liable for jury duty by making the necessary amendments to *The Jurors Act*.

- (a) Every officer and other person in the service of the Governor-General or of the Lieutenant-Governor;
- (b) Every officer, clerk and servant of the Senate and of the House of Commons of Canada, of the Assembly, and of the Public Departments of Canada and of Ontario;
- (c) Every officer and servant of the Dominion and Provincial Governments;
- (d) Every dental surgeon, pharmaceutical chemist and veterinary surgeon;
- (e) The officers, non-commissioned officers and men of every militia corps;
- (f) Every municipal treasurer, clerk, collector, assessment commissioner, assessor and officer;
- (g) Every professor, master, teacher, officer and servant of any university, college, institute of learning or school;
- (h) Every editor, reporter and printer of any public newspaper or journal; and
- (i) Every miller;

"3. That the exemptions applicable to persons employed in the management and working of railways, street railways and power commissions be restricted to persons employed in the actual working of such railways and commissions;

"4. That police officers and police constables be exempted from jury duty."

- (j) Every minister, priest or ecclesiastic under any form or profession of religious faith or worship;
- (k) Every barrister and every solicitor of the Supreme Court actually practising, and every student-at-law;
- (l) Every officer of any court of justice;
- (m) Every physician and surgeon qualified to practise, and in actual practice;
- (n) Every member of His Majesty's Army, Navy or Air Force on full pay;
- (o) Every pilot and seaman engaged in the pursuit of his calling;
- (p) Every head of a municipal council;
- (q) Every person employed in the actual working of a railway, street railway or public commission carrying on the business of developing, transmitting or distributing electrical power or energy;
- (r) Every telegraph and telephone operator;
- (s) Every fireman belonging to any fire department or company, who has procured the certificate authorized by section 1 of *The Firemen's Exemption Act*, during the period of his enrolment and continuance in actual duty as such fireman; and every fireman who is entitled to and who has received the certificate authorized by section 4 of the said Act; but no fireman shall be exempt from serving as a juror unless the captain or other officer of the fire department or company, at least five days before the time appointed for the selection of jurors, notifies to the clerk of the municipality the names of the firemen belonging to his department or company, and residing within the municipality, who are exempt and claims exemption for them.

Rev. Stat.,
c. 281.

Short title. **2.** This Act may be cited as *The Jurors Amendment Act, 1941*,

An Act to amend The Jurors Act.

1st Reading

March 11th, 1941

2nd Reading

3rd Reading

MR. STRACHAN

No. 57

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Jurors Act.

MR. STRACHAN

BILL

An Act to amend The Jurors Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 108, s. 3,
subs. 1, re-
enacted.

1. Subsection 1 of section 3 of *The Jurors Act*, as amended by section 1 of *The Jurors Amendment Act, 1940*, is repealed and the following substituted therefor:

Persons
exempted
from serv-
ing as
jurors.

(1) The following persons shall be exempt from being returned and from serving as grand or petit jurors, and their names shall not be entered on the rolls prepared and reported by the selectors of jurors as hereinafter mentioned,—

- (a) Every person seventy years of age or upwards;
- (b) Every member of the Privy Council of Canada and of the Executive Council of Ontario;
- (c) Every member of the Senate and of the House of Commons of Canada and of the Assembly;
- (d) The secretaries of the Governor-General and of the Lieutenant-Governor;
- (e) Every judge;
- (f) Every police magistrate;
- (g) Every sheriff, coroner, gaoler and keeper of a house of correction or lock-up house;
- (h) Every sheriff's officer and constable;
- (i) Every police officer and constable;

EXPLANATORY NOTE

The Bill makes liable for jury duty several classes of persons who are now exempted therefrom. It also renders police officers and constables exempt from jury duty. In effect it implements three recommendations of the Select Committee appointed to inquire into the administration of justice. The recommendations which are made under the heading "Improving the Qualifications of Jurors", appear at pages 48 and 49 of the Committee's report and are as follows:

"2. That the following persons now exempt be made liable for jury duty by making the necessary amendments to *The Jurors Act*.

- (a) Every officer and other person in the service of the Governor-General or of the Lieutenant-Governor;
- (b) Every officer, clerk and servant of the Senate and of the House of Commons of Canada, of the Assembly, and of the Public Departments of Canada and of Ontario;
- (c) Every officer and servant of the Dominion and Provincial Governments;
- (d) Every dental surgeon, pharmaceutical chemist and veterinary surgeon;
- (e) The officers, non-commissioned officers and men of every militia corps;
- (f) Every municipal treasurer, clerk, collector, assessment commissioner, assessor and officer;
- (g) Every professor, master, teacher, officer and servant of any university, college, institute of learning or school;
- (h) Every editor, reporter and printer of any public newspaper or journal; and
- (i) Every miller;

"3. That the exemptions applicable to persons employed in the management and working of railways, street railways and power commissions be restricted to persons employed in the actual working of such railways and commissions;

"4. That police officers and police constables be exempted from jury duty."

As amended in Legal Bills Committee the Bill raises the age limit of persons eligible to serve as jurors from 65 to 70. It also exempts dental surgeons and editors, reporters and printers of public newspapers and journals.

- (j) Every minister, priest or ecclesiastic under any form or profession of religious faith or worship;
- (k) Every barrister and every solicitor of the Supreme Court actually practising, and every student-at-law;
- (l) Every officer of any court of justice;
- (m) Every physician, surgeon and dental surgeon qualified to practise, and in actual practice;
- (n) Every member of His Majesty's Army, Navy or Air Force on full pay;
- (o) Every pilot and seaman engaged in the pursuit of his calling;
- (p) Every head of a municipal council;
- (q) Every editor, reporter and printer of any public newspaper or journal;
- (r) Every person employed in the actual working of a railway, street railway or public commission carrying on the business of developing, transmitting or distributing electrical power or energy;
- (s) Every telegraph and telephone operator;
- (t) Every fireman belonging to any fire department or company, who has procured the certificate authorized by section 1 of *The Firemen's Exemption Act*, during the period of his enrolment and continuance in actual duty as such fireman; and every fireman who is entitled to and who has received the certificate authorized by section 4 of the said Act; but no fireman shall be exempt from serving as a juror unless the captain or other officer of the fire department or company, at least five days before the time appointed for the selection of jurors, notifies to the clerk of the municipality the names of the firemen belonging to his department or company, and residing within the municipality, who are exempt and claims exemption for them.

Rev. Stat.,
c. 281.

Short title. **2.** This Act may be cited as *The Jurors Amendment Act, 1941.*



BILL

An Act to amend The Jurors Act.

1st Reading

March 11th, 1941

2nd Reading

March 17th, 1941

3rd Reading

MR. STRACHAN

*(Reprinted as amended by the Committee on
Legal Bills.)*

No. 57

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Jurors Act.

MR. STRACHAN

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

. An Act to amend The Jurors Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 108, s. 3,
subs. 1, re-
enacted.

1. Subsection 1 of section 3 of *The Jurors Act*, as amended by section 1 of *The Jurors Amendment Act, 1940*, is repealed and the following substituted therefor:

Persons
exempted
from serv-
ing as
jurors.

- (1) The following persons shall be exempt from being returned and from serving as grand or petit jurors, and their names shall not be entered on the rolls prepared and reported by the selectors of jurors as hereinafter mentioned,—
 - (a) Every person seventy years of age or upwards,
 - (b) Every member of the Privy Council of Canada and of the Executive Council of Ontario;
 - (c) Every member of the Senate and of the House of Commons of Canada and of the Assembly;
 - (d) The secretaries of the Governor-General and of the Lieutenant-Governor;
 - (e) Every judge;
 - (f) Every police magistrate;
 - (g) Every sheriff, coroner, gaoler and keeper of a house of correction or lock-up house;
 - (h) Every sheriff's officer and constable;
 - (i) Every police officer and constable;

- (j) Every minister, priest or ecclesiastic under any form or profession of religious faith or worship;
- (k) Every barrister and every solicitor of the Supreme Court actually practising, and every student-at-law;
- (l) Every officer of any court of justice;
- (m) Every physician, surgeon and dental surgeon qualified to practise, and in actual practice;
- (n) Every member of His Majesty's Army, Navy or Air Force on full pay;
- (o) Every pilot and seaman engaged in the pursuit of his calling;
- (p) Every head of a municipal council;
- (q) Every editor, reporter and printer of any public newspaper or journal;
- (r) Every person employed in the actual working of a railway, street railway or public commission carrying on the business of developing, transmitting or distributing electrical power or energy;
- (s) Every telegraph and telephone operator;
- (t) Every fireman belonging to any fire department or company, who has procured the certificate authorized by section 1 of *The Firemen's Exemption Act*, during the period of his enrolment and continuance in actual duty as such fireman; and every fireman who is entitled to and who has received the certificate authorized by section 4 of the said Act; but no fireman shall be exempt from serving as a juror unless the captain or other officer of the fire department or company, at least five days before the time appointed for the selection of jurors, notifies to the clerk of the municipality the names of the firemen belonging to his department or company, and residing within the municipality, who are exempt and claims exemption for them.

2. This Act may be cited as *The Jurors Amendment Act*, Short title.
1941.

BILL

An Act to amend The Jurors Act.

1st Reading

March 11th, 1941

2nd Reading

March 17th, 1941

3rd Reading

April 1st, 1941

MR. STRACHAN

No. 58

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Venereal Diseases Prevention Act.

MR. KIRBY

BILL

An Act to amend The Venereal Diseases Prevention Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 301, s. 1,
amended.

1. Section 1 of *The Venereal Diseases Prevention Act* is amended by adding thereto the following clause:

"Physician".

(bb) "Physician" shall mean a legally qualified medical practitioner.

Rev. Stat.,
c. 301, s. 2,
subs. 1,
amended.

2.—(1) Subsection 1 of section 2 of *The Venereal Diseases Prevention Act* is amended by adding at the end thereof the words "or to ascertain the extent of venereal disease infection", so that the said subsection shall now read as follows:

Examination
of person
in custody
or com-
mitted to
prison.

R.S.C.,
c. 36.

(1) Whenever any person is under arrest or in custody charged with an offence against the *Criminal Code* or against any statute of Ontario or any by-law, regulation or order made under the authority thereof, or has been committed to a gaol, reformatory or other place of detention upon conviction of such offence, and the medical officer of health for the municipality or district believes that such person is, or may be, infected with, or has been exposed to infection from venereal disease, the medical officer of health may cause such person to undergo such physical examination as may be necessary, or as may be prescribed by the regulations in order to ascertain whether or not such person is infected with venereal disease or to ascertain the extent of venereal disease infection.

Rev. Stat.,
c. 301, s. 2,
subs. 3,
repealed.

(2) Subsection 3 of the said section 2 is repealed.

EXPLANATORY NOTES

SECTION 1. Defines the term "physician".

SECTION 2. A medical officer of health may now order the physical examination of a person in custody in order to determine the presence of venereal disease infection. The amendment permits him to order such examination as may be necessary in order to determine the extent of the infection.

Rev. Stat.,
c. 301,
amended.

3. *The Venereal Diseases Prevention Act* is amended by adding thereto the following section:

Examination
by gaol
physician.

2a.—(1) Every physician in medical charge of any gaol or place of detention or the inmates thereof may cause any person under his charge to undergo such physical examination as may be necessary or as may be prescribed to ascertain whether or not such person is infected with venereal disease or to ascertain the extent of venereal disease infection, and if from such examination the physician believes that the person examined is infected with venereal disease he shall report the facts to the medical officer of health who may thereupon exercise the powers vested in him by subsection 2 of section 2.

Duty of gaol
physician.

(2) Where an examination has not been made under subsection 1 it shall be the duty of every physician in medical charge of any gaol or place of detention or of the inmates thereof to report to the medical officer of health the name and place of detention, whether before or after conviction, of any person under his medical charge whom he suspects or believes to be suffering from venereal disease, and such report shall be made within twenty-four hours after the time of arrival of such person in the gaol or place of detention.

Duplicate
report.

(3) A duplicate of every report made under subsection 1 or 2 shall be forwarded to the Department.

Rev. Stat.,
c. 301, s. 3,
subs. 1,
amended.

4.—(1) Subsection 1 of section 3 of *The Venereal Diseases Prevention Act* is amended by striking out the words "resident in" in the second line and inserting in lieu thereof the word "within", so that the said subsection shall now read as follows:

Action by
medical
officer of
health on
information.

(1) Subject to the regulations, where the medical officer of health is credibly informed that a person within the municipality or district for which the medical officer of health is appointed is infected with venereal disease and has infected or is liable to infect other persons, the medical officer of health may give notice in writing to such person requiring him to consult a legally qualified medical practitioner and to procure and produce to the medical officer of health within a time to be specified in the notice a report or certificate of such medical practitioner that the person so notified is or is not suffering from venereal disease.

Rev. Stat.,
c. 301, s. 3,
subs. 7,
repealed.

(2) Subsection 7 of the said section 3 is repealed.

SECTION 3. Under the present law the physician in medical charge of any gaol or place of detention is required to report to the medical officer of health the name of any person in his charge whom he suspects or believes to be suffering from venereal disease. The amendment permits the gaol surgeon to make such examination as may be necessary to determine whether such person is suffering from venereal disease infection and the extent of such infection.

SECTION 4. The present law imposes certain duties upon a medical officer of health with regard to requiring any person who is resident in his municipality and whom he believes to be suffering from venereal disease to consult a legally qualified medical practitioner. This duty is now made to apply in the case of every such person within the municipality whether he resides there or not.

Rev. Stat.,
c. 301,
amended.

5. *The Venereal Diseases Prevention Act* is amended by adding thereto the following sections:

Physician
to report
patient dis-
continuing
treatment.

3a.—(1) Where a person who has been under treatment for venereal disease refuses or neglects to continue treatment in a manner and to a degree satisfactory to the attending physician and the Department, the physician shall report to the Department the name and address of such person together with such other information as may be required by the regulations.

What
deemed dis-
continuance.

(2) A person who fails to attend upon his attending physician within seven days of an appointment for treatment shall be deemed to have neglected to continue treatment, and shall be reported by the physician within fourteen days of the date of the appointment.

Penalty.

(3) A physician who fails to report as required by this section shall incur a penalty of not less than \$25 and not more than \$100.

Powers of
Deputy
Minister.

3b. The Deputy Minister of Health and any officer of the Department of Health designated by the Minister shall be medical officers of health within the meaning of this Act.

Short title.

6. This Act may be cited as *The Venereal Diseases Prevention Amendment Act, 1941*.

SECTION 5. Where a person taking treatment for venereal disease discontinues such treatment before degree of treatment is satisfactory to the attending physician and to the Department of Health, the attending physician must report to the Department the name and address of the person. A penalty is provided for failure to so report.

The Deputy Minister of Health and any officer of the Department designated by the Minister shall be medical officers of health for the purposes of *The Venereal Diseases Prevention Act*.

BILL

An Act to amend The Venereal Diseases
Prevention Act.

1st Reading

March 11th, 1941

2nd Reading

3rd Reading

MR. KIRBY

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Venereal Diseases Prevention Act.

MR. KIRBY

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Venereal Diseases Prevention Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 301, s. 1,
amended.

1. Section 1 of *The Venereal Diseases Prevention Act* is amended by adding thereto the following clause:

"Physician".

(bb) "Physician" shall mean a legally qualified medical practitioner.

Rev. Stat.,
c. 301, s. 2,
subs. 1,
amended.

2.—(1) Subsection 1 of section 2 of *The Venereal Diseases Prevention Act* is amended by adding at the end thereof the words "or to ascertain the extent of venereal disease infection", so that the said subsection shall now read as follows:

Examination
of person
in custody
or com-
mitted to
prison.

R.S.C.,
c. 36.

(1) Whenever any person is under arrest or in custody charged with an offence against the *Criminal Code* or against any statute of Ontario or any by-law, regulation or order made under the authority thereof, or has been committed to a gaol, reformatory or other place of detention upon conviction of such offence, and the medical officer of health for the municipality or district believes that such person is, or may be, infected with, or has been exposed to infection from venereal disease, the medical officer of health may cause such person to undergo such physical examination as may be necessary, or as may be prescribed by the regulations in order to ascertain whether or not such person is infected with venereal disease or to ascertain the extent of venereal disease infection.

Rev. Stat.,
c. 301, s. 2,
subs. 3,
repealed.

(2) Subsection 3 of the said section 2 is repealed.

3. *The Venereal Diseases Prevention Act* is amended by adding thereto the following section: Rev. Stat.,
c. 301,
amended.

2a.—(1) Every physician in medical charge of any gaol or place of detention or the inmates thereof may cause any person under his charge to undergo such physical examination as may be necessary or as may be prescribed to ascertain whether or not such person is infected with venereal disease or to ascertain the extent of venereal disease infection, and if from such examination the physician believes that the person examined is infected with venereal disease he shall report the facts to the medical officer of health who may thereupon exercise the powers vested in him by subsection 2 of section 2. Examination
by gaol
physician.

(2) Where an examination has not been made under subsection 1 it shall be the duty of every physician in medical charge of any gaol or place of detention or of the inmates thereof to report to the medical officer of health the name and place of detention, whether before or after conviction, of any person under his medical charge whom he suspects or believes to be suffering from venereal disease, and such report shall be made within twenty-four hours after the time of arrival of such person in the gaol or place of detention. Duty of gaol
physician.

(3) A duplicate of every report made under subsection 1 or 2 shall be forwarded to the Department. Duplicate
report.

4.—(1) Subsection 1 of section 3 of *The Venereal Diseases Prevention Act* is amended by striking out the words "resident in" in the second line and inserting in lieu thereof the word "within", so that the said subsection shall now read as follows: Rev. Stat.,
c. 301, s. 3,
subs. 1,
amended.

(1) Subject to the regulations, where the medical officer of health is credibly informed that a person within the municipality or district for which the medical officer of health is appointed is infected with venereal disease and has infected or is liable to infect other persons, the medical officer of health may give notice in writing to such person requiring him to consult a legally qualified medical practitioner and to procure and produce to the medical officer of health within a time to be specified in the notice a report or certificate of such medical practitioner that the person so notified is or is not suffering from venereal disease. Action by
medical
officer of
health on
information.

(2) Subsection 7 of the said section 3 is repealed.

Rev. Stat.,
c. 301, s. 3,
subs. 7,
repealed.

Rev. Stat.,
c. 301,
amended.

5. *The Venereal Diseases Prevention Act* is amended by adding thereto the following sections:

Physician
to report
patient dis-
continuing
treatment.

3a.—(1) Where a person who has been under treatment for venereal disease refuses or neglects to continue treatment in a manner and to a degree satisfactory to the attending physician and the Department, the physician shall report to the Department the name and address of such person together with such other information as may be required by the regulations.

What
deemed dis-
continuance.

(2) A person who fails to attend upon his attending physician within seven days of an appointment for treatment shall be deemed to have neglected to continue treatment, and shall be reported by the physician within fourteen days of the date of the appointment.

Penalty.

(3) A physician who fails to report as required by this section shall incur a penalty of not less than \$25 and not more than \$100.

Powers of
Deputy
Minister.

3b. The Deputy Minister of Health and any officer of the Department of Health designated by the Minister shall be medical officers of health within the meaning of this Act.

Short title.

6. This Act may be cited as *The Venereal Diseases Prevention Amendment Act, 1941*.

An Act to amend The Venereal Diseases
Prevention Act.

1st Reading

March 11th, 1941

2nd Reading

March 17th, 1941

3rd Reading

April 7th, 1941

Mr. Kirby

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act respecting British Child Guests.

MR. HIPEL

BILL

An Act respecting British Child Guests.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpre-
tation.

1. In this Act,—

"British
child
guest";

- (a) "British child guest" shall mean any infant who has entered Ontario from the United Kingdom of Great Britain and Northern Ireland since the 1st day of September, 1939;

"children's
aid society";

- (b) "children's aid society" shall mean a children's aid society formed under *The Children's Protection Act*; and

"Superin-
tendent".
Rev. Stat.,
c. 312.

- (c) "Superintendent" shall mean Superintendent of Neglected and Dependent Children appointed under *The Children's Protection Act*.

Powers of
Super-
intendent.

2.—(1) Subject to subsections 2 and 3, the Superintendent may exercise all the powers of a parent or legal guardian with respect to every British child guest while resident in Ontario during infancy and without limiting the generality of the foregoing he may,—

- (a) consent to a surgical operation, medical care and hospitalization in any case where the consent of a parent or legal guardian is required; and

Rev. Stat.,
c. 312.

- (b) subject to the provisions of section 27 of *The Children's Protection Act* direct that any such child be taken from the home where it resides and placed in a foster home approved by a children's aid society.

Exceptions.

(2) Nothing in this Act shall authorize the Superintendent to,—

- (a) consent to the marriage or adoption of any British child guest;

EXPLANATORY NOTE

The Act vests in the Superintendent of Neglected and Dependent Children appointed under *The Children's Protection Act* certain of the powers of a parent or legal guardian with respect to children coming to Ontario from Great Britain and Northern Ireland since the 1st day of September, 1939.

While the Superintendent is given the powers of a parent generally and is specifically authorized to consent to surgical operations, medical care and hospitalization and to remove a child from a home where it resides to one approved by a children's aid society, the Act gives no authority to consent to marriage or adoption, to control or interfere with real or personal property, to act as guardian *ad litem*, or to prevent a child from returning home with the parents' consent.

The Act does not apply where a child resides with or is under the control of one or both parents who reside in Canada or a guardian appointed under *The Infants Act*.

The Superintendent may delegate his authority to the local superintendent of a children's aid society.

(b) control or interfere with the real or personal property of any British child guest;

(c) prevent any British child guest from returning to Great Britain or Northern Ireland with the consent of its parents or surviving parent or legal guardian; or

(d) act as the guardian *ad litem* of any British child guest.

When Act
not to
apply.

(3) This Act shall not apply in the case of any British child guest who is residing with or subject to the control of one or both of its parents who are residing in Canada or a legal guardian appointed pursuant to *The Infants Act*.

Rev. Stat.,
c. 215.

Delegation
of powers
to local
superin-
tendents.

3. The Superintendent may, with respect to any British child guest, delegate any power vested in him by this Act to the local superintendent of a children's aid society which operates in that part of Ontario where the British child guest is residing.

Operation of
Rev. Stat.,
c. 312, not
restricted.

4. Nothing in this Act shall restrict the operation of *The Children's Protection Act* in any case where a child is neglected or dependent within the meaning of that Act.

Commence-
ment of Act

5. This Act shall come into force on the day upon which it receives the Royal Assent and shall have effect from and after the 1st day of August, 1940.

Short title.

6. This Act may be cited as *The British Child Guests Act, 1941*.

An Act respecting British Child Guests

1st Reading

March 12th, 1941

*2nd Reading**3rd Reading*

MR. HPEL

No. 59

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act respecting British Child Guests.

MR. HIPEL

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting British Child Guests.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpre-
tation.

1. In this Act,—

"British
child
guest";

- (a) "British child guest" shall mean any infant who has entered Ontario from the United Kingdom of Great Britain and Northern Ireland since the 1st day of September, 1939;

"children's
aid society";

- (b) "children's aid society" shall mean a children's aid society formed under *The Children's Protection Act*; and

"Superin-
tendent".

Rev. Stat.,
c. 312.

- (c) "Superintendent" shall mean Superintendent of Neglected and Dependent Children appointed under *The Children's Protection Act*.

Powers of
Super-
intendent.

2.—(1) Subject to subsections 2 and 3, the Superintendent may exercise all the powers of a parent or legal guardian with respect to every British child guest while resident in Ontario during infancy and without limiting the generality of the foregoing he may,—

- (a) consent to a surgical operation, medical care and hospitalization in any case where the consent of a parent or legal guardian is required; and

Rev. Stat.,
c. 312.

- (b) subject to the provisions of section 27 of *The Children's Protection Act* direct that any such child be taken from the home where it resides and placed in a foster home approved by a children's aid society.

Exceptions.

(2) Nothing in this Act shall authorize the Superintendent to,—

- (a) consent to the marriage or adoption of any British child guest;

- (b) control or interfere with the real or personal property of any British child guest;
- (c) prevent any British child guest from returning to Great Britain or Northern Ireland with the consent of its parents or surviving parent or legal guardian; or
- (d) act as the guardian *ad litem* of any British child guest.

(3) This Act shall not apply in the case of any British child guest who is residing with or subject to the control of one or both of its parents who are residing in Canada or a legal guardian appointed pursuant to *The Infants Act*.

When Act not to apply.

Rev. Stat., c. 215.

3. The Superintendent may, with respect to any British child guest, delegate any power vested in him by this Act to the local superintendent of a children's aid society which operates in that part of Ontario where the British child guest is residing.

Delegation of powers to local superintendents.

4. Nothing in this Act shall restrict the operation of *The Children's Protection Act* in any case where a child is neglected or dependent within the meaning of that Act.

Operation of Rev. Stat., c. 312, not restricted.

5. This Act shall come into force on the day upon which it receives the Royal Assent and shall have effect from and after the 1st day of August, 1940.

Commencement of Act

6. This Act may be cited as *The British Child Guests Act*, 1941.

Short title.

BILL

An Act respecting British Child Guests

1st Reading

March 12th, 1941

2nd Reading

March 19th, 1941

3rd Reading

March 25th, 1941

Mr. HUEL

No. 60

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Northern Development Act.

MR. DEWAN

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Northern Development Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 34, s. 21,
subs. 10,
re-enacted.

1. Subsection 10 of section 21 of *The Northern Development Act* is repealed and the following substituted therefor:

Writing off
or reducing
amounts of
principal or
interest.

(10) The Minister, subject to the approval of the Lieutenant-Governor in Council, may write off or reduce the amount of either principal or interest, or both principal and interest charged against any lands under the provisions of this section, and in every such case a certificate may be given and registered in accordance with the provisions of subsections 5, 6, 7, 8 and 9.

Rev. Stat.,
c. 34,
amended.

2. *The Northern Development Act* is amended by adding thereto the following section:

Confirma-
tion of cer-
tificates of
discharge.

22a. Every certificate of discharge and every release given by the commissioner, Minister or Deputy Minister prior to the 1st day of January, 1941, purporting to discharge any lien or charge is hereby confirmed.

Short title.

3. This Act may be cited as *The Northern Development Amendment Act, 1941*.

EXPLANATORY NOTES

SECTION 1. Subsection 10 of section 21 of *The Northern Development Act* is re-enacted to permit the Minister, with the approval of the Lieutenant-Governor in Council, to write off or reduce the amount owing for principal or interest, or both principal and interest charged against any lands for loans made to settlers under the provisions of this Act.

SECTION 2. The proposed section removes any doubt as to the legality of certificates of discharge and releases heretofore given for the purpose of discharging liens or charges created under *The Northern Development Act*.

An Act to amend The Northern
Development Act

1st Reading

March 12th, 1941

2nd Reading

3rd Reading

MR. DEWAN

No. 60

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Northern Development Act.

MR. DEWAN

No. 60

1941

BILL

An Act to amend The Northern Development Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 34, s. 21,
subs. 10,
re-enacted.

1. Subsection 10 of section 21 of *The Northern Development Act* is repealed and the following substituted therefor:

Writing off
or reducing
amounts of
principal or
interest.

(10) The Minister, subject to the approval of the Lieutenant-Governor in Council, may write off or reduce the amount of either principal or interest, or both principal and interest charged against any lands under the provisions of this section, and in every such case a certificate may be given and registered in accordance with the provisions of subsections 5, 6, 7, 8 and 9.

Rev. Stat.,
c. 34,
amended.

2. *The Northern Development Act* is amended by adding thereto the following section:

Confirma-
tion of cer-
tificates of
discharge.

22a. Every certificate of discharge and every release given by the commissioner, Minister or Deputy Minister prior to the 1st day of January, 1941, purporting to discharge any lien or charge is hereby confirmed.

Short title.

3. This Act may be cited as *The Northern Development Amendment Act, 1941*.

BILL

An Act to amend The Northern
Development Act

1st Reading

March 12th, 1941

2nd Reading

March 17th, 1941

3rd Reading

March 25th, 1941

Mr. DEWAN

No. 61

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Railway Act.

MR. BROWNRIDGE

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Railway Act.

HIS MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

Rev. Stat.,
c. 259, s. 234,
subs. 2,
amended.

1. Subsection 2 of section 234 of *The Railway Act* is amended by inserting after the word "Sunday" in the third line the words "or to the Cornwall Street Railway, Light & Power Company, Limited", so that the said subsection shall now read as follows:

Exceptions.

- (2) This section shall not apply to any railway company or municipal corporation which now has the right to operate its street railway, tramway or electric railway on Sunday, or to the Cornwall Street Railway, Light & Power Company, Limited, or to the corporation of the City of London, or the London Railway Commission, in the operation of the London and Port Stanley Railway, or to the London Street Railway Company in the operation of that part of its existing line lying in the Township of London between the north limits of the City of London and Broughs Bridge, or, subject to subsection 3, to the London Street Railway Company in the operation of that part of its existing line lying in the Township of Westminster, west of the west limit of the City of London.

Short title.

2. This Act may be cited as *The Railway Amendment Act, 1941*.

EXPLANATORY NOTE

The purpose of this Bill is to enable the Town of Cornwall to have street car service on Sundays. Most of the industries in Cornwall are located on the outskirts of the Town and all of these operate on Sundays. It is to accommodate the workers in these industries as well as persons attending church services that street car service on Sundays is required.

An Act to amend The Railway Act

1st Reading

March 12th 1941

2nd Reading

3rd Reading

MR. BROWNBRIDGE

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Railway Act.

MR. BROWNRIDGE

BILL

An Act to amend The Railway Act.

HIS MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

Rev. Stat.,
c. 259, s. 234,
subs. 2,
amended.

1. Subsection 2 of section 234 of *The Railway Act* is amended by inserting after the word "Sunday" in the third line the words "or to the Cornwall Street Railway, Light & Power Company, Limited", so that the said subsection shall now read as follows:

Exceptions.

(2) This section shall not apply to any railway company or municipal corporation which now has the right to operate its street railway, tramway or electric railway on Sunday, or to the Cornwall Street Railway, Light & Power Company, Limited, or to the corporation of the City of London, or the London Railway Commission, in the operation of the London and Port Stanley Railway, or to the London Street Railway Company in the operation of that part of its existing line lying in the Township of London between the north limits of the City of London and Brouhgs Bridge, or, subject to subsection 3, to the London Street Railway Company in the operation of that part of its existing line lying in the Township of Westminster, west of the west limit of the City of London.

Short title.

2. This Act may be cited as *The Railway Amendment Act, 1941*.

BILL

An Act to amend The Railway Act

1st Reading

March 12th 1941

2nd Reading

March 17th, 1941

3rd Reading

April 1st, 1941

Mr. BROWNRIDGE

No. 62

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Agricultural Representatives Act.

MR. DEWAN

BILL

An Act to amend The Agricultural Representatives Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 83, s. 1,
re-enacted.

1. Section 1 of *The Agricultural Representatives Act* is repealed and the following substituted therefor:

Appoint-
ment of
representa-
tives.

1. The Lieutenant-Governor in Council, upon the recommendation of the Minister of Agriculture, may appoint as agricultural representatives persons who have been graduated from a university or agricultural college approved by the Minister with the degree of Bachelor of Science in Agriculture, and every such agricultural representative shall be paid out of moneys appropriated by the Legislature for the purposes of this Act.

Short title.

2. This Act may be cited as *The Agricultural Representatives Amendment Act, 1941*.

EXPLANATORY NOTES

Under the Act at the present time only officers who have been graduated from the Ontario Agricultural College may be appointed as agricultural representatives. This Bill provides that persons who have been graduated from a university or agricultural college approved by the Minister with the degree of Bachelor of Science in Agriculture may be appointed as agricultural representatives.

BILL

An Act to amend The Agricultural
Representatives Act

1st Reading

March 12th, 1941

2nd Reading

3rd Reading

MR. DEWAN

No. 62

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Agricultural Representatives Act.

MR. DEWAN

BILL

An Act to amend The Agricultural Representatives Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 83, s. 1,
re-enacted.

1. Section 1 of *The Agricultural Representatives Act* is repealed and the following substituted therefor:

Appoint-
ment of
representa-
tives.

1. The Lieutenant-Governor in Council, upon the recommendation of the Minister of Agriculture, may appoint as agricultural representatives persons who have been graduated from a university or agricultural college approved by the Minister with the degree of Bachelor of Science in Agriculture, and every such agricultural representative shall be paid out of moneys appropriated by the Legislature for the purposes of this Act.

Short title.

2. This Act may be cited as *The Agricultural Representatives Amendment Act, 1941*.

BILL

An Act to amend The Agricultural
Representatives Act

1st Reading

March 12th, 1941

2nd Reading

March 17th, 1941

3rd Reading

March 25th, 1941

MR. DEWAN

No. 63

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Milk and Cream Act.

MR. DEWAN

No. 63

1941

BILL

An Act to amend The Milk and Cream Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 302,
amended.

1. *The Milk and Cream Act* is amended by adding thereto the following section:

By-laws
prescribing
hours of
delivery.

3a. The council of every municipality may pass by-laws prescribing the hours during which milk and cream may be delivered by vendors to consumers for human consumption within each municipality.

Rev. Stat.,
c. 302,
ss. 10, 11,
repealed.

2. Sections 10 and 11 of *The Milk and Cream Act* are repealed.

Short title.

3. This Act may be cited as *The Milk and Cream Amendment Act, 1941*.

EXPLANATORY NOTES

SECTION 1 provides that the council of a municipality may pass a by-law prescribing the hours for delivering milk and cream within such municipality.

SECTION 2. Sections 10 and 11 of the Act are spent and accordingly they are repealed.

BILL

An Act to amend The Milk and Cream Act.

1st Reading

March 12th, 1941

2nd Reading

3rd Reading

MR. DEWAN

No. 63

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Milk and Cream Act.

MR. DEWAN

BILL

An Act to amend The Milk and Cream Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 302,
amended.

1. *The Milk and Cream Act* is amended by adding thereto the following section:

By-laws
prescribing
hours of
delivery.

3a. The council of every municipality may pass by-laws prescribing the hours during which milk and cream may be delivered by vendors to consumers for human consumption within each municipality.

Rev. Stat.,
c. 302,
ss. 10, 11,
repealed.

2. Sections 10 and 11 of *The Milk and Cream Act* are repealed.

Short title.

3. This Act may be cited as *The Milk and Cream Amendment Act, 1941*.

An Act to amend The Milk and Cream Act.

1st Reading

March 12th, 1941

2nd Reading

March 17th, 1941

3rd Reading

March 25th, 1941

MR. DEWAN

No. 64

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Mining Act.

MR. LAURIER

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Mining Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 47,
Sched. A,
par. 6
(1939, c. 27,
s. 31),
amended.

1. Paragraph 6 of Schedule A of *The Mining Act* as re-enacted by section 31 of *The Mining Amendment Act, 1939*, is amended by striking out clauses *a*, *b*, *c*, *d* and *e* and the proviso following clause *e* and inserting in lieu thereof the following:

- | | |
|--|---------|
| (a) Where the authorized capital is less than \$50,000 or 50,000 shares of no par value..... | \$10.00 |
| (b) Where the authorized capital is \$50,000 or 50,000 shares of no par value or in excess thereof, but less than \$1,000,000 or 1,000,000 shares of no par value..... | 25.00 |
| (c) Where the authorized capital is \$1,000,000 or 1,000,000 shares of no par value or in excess thereof, but does not exceed \$3,000,000 or 3,000,000 shares of no par value..... | 50.00 |
| (d) Where the authorized capital exceeds \$3,000,000 or 3,000,000 shares of no par value | 75.00 |

so that the said paragraph shall now read as follows:

6. The fee for a miner's license or renewal thereof for a duly incorporated company, or a company licensed under *The Extra Provincial Corporations Act* to carry on business in Ontario, shall be based on the authorized capital, according to the following scale, namely:

Rev. Stat.,
c. 262.

- | | |
|--|---------|
| (a) Where the authorized capital is less than \$50,000 or 50,000 shares of no par value..... | \$10.00 |
|--|---------|

EXPLANATORY NOTES

SECTION 1. The fees payable for miners' licenses or renewals thereof for a duly incorporated company or a company licensed under *The Extra Provincial Corporations Act* are reduced.

- (b) Where the authorized capital is \$50,000 or 50,000 shares of no par value or in excess thereof, but less than \$1,000,000 or 1,000,000 shares of no par value..... \$25.00
- (c) Where the authorized capital is \$1,000,000 or 1,000,000 shares of no par value or in excess thereof, but does not exceed \$3,000,000 or 3,000,000 shares of no par value..... 50.00
- (d) Where the authorized capital exceeds \$3,000,000 or 3,000,000 shares of no par value..... 75.00

Commence-
ment of Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent and shall have effect as from the 1st day of April, 1941.

Short title.

3. This Act may be cited as *The Mining Amendment Act, 1941*.

SECTION 2. Because of the fact that licenses are issued for the period of each fiscal year, the provisions of the Bill will have effect from the 1st day of April, 1941.

An Act to amend The Mining Act

1st Reading

March 13th, 1941

*2nd Reading**3rd Reading*

MR. LAURIER

No. 64

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Mining Act.

MR. LAURIER

BILL

An Act to amend The Mining Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 47,
Sched. A,
par. 6
(1939, c. 27,
s. 31),
amended.

1. Paragraph 6 of Schedule A of *The Mining Act* as re-enacted by section 31 of *The Mining Amendment Act, 1939*, is amended by striking out clauses *a*, *b*, *c*, *d* and *e* and the proviso following clause *e* and inserting in lieu thereof the following:

- | | |
|--|---------|
| (a) Where the authorized capital is less than \$50,000 or 50,000 shares of no par value..... | \$10.00 |
| (b) Where the authorized capital is \$50,000 or 50,000 shares of no par value or in excess thereof, but less than \$1,000,000 or 1,000,000 shares of no par value..... | 25.00 |
| (c) Where the authorized capital is \$1,000,000 or 1,000,000 shares of no par value or in excess thereof, but does not exceed \$3,000,000 or 3,000,000 shares of no par value..... | 50.00 |
| (d) Where the authorized capital exceeds \$3,000,000 or 3,000,000 shares of no par value..... | 75.00 |

so that the said paragraph shall now read as follows:

6. The fee for a miner's license or renewal thereof for a duly incorporated company, or a company licensed under *The Extra Provincial Corporations Act* to carry on business in Ontario, shall be based on the authorized capital, according to the following scale, namely:

- | | |
|--|---------|
| (a) Where the authorized capital is less than \$50,000 or 50,000 shares of no par value..... | \$10.00 |
|--|---------|

Rev. Stat.,
c. 252.

- (b) Where the authorized capital is \$50,000 or 50,000 shares of no par value or in excess thereof, but less than \$1,000,000 or 1,000,000 shares of no par value..... \$25.00
- (c) Where the authorized capital is \$1,000,000 or 1,000,000 shares of no par value or in excess thereof, but does not exceed \$3,000,000 or 3,000,000 shares of no par value..... 50.00
- (d) Where the authorized capital exceeds \$3,000,000 or 3,000,000 shares of no par value..... 75.00

2. This Act shall come into force on the day upon which it receives the Royal Assent and shall have effect as from the 1st day of April, 1941. Commence-
ment of Act.

3. This Act may be cited as *The Mining Amendment Act*, Short title.
1941.

An Act to amend The Mining Act

1st Reading

March 13th, 1941

2nd Reading

March 19th, 1941

3rd Reading

March 25th, 1941

MR. LAURIER

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to provide for the Suspension of Grand Juries during the
Present War.

MR. CONANT

BILL

An Act to provide for the Suspension of Grand Juries during the Present War.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

No selection, precept or summonses for grand jurors.

1.—(1) Notwithstanding anything contained in *The Jurors Act* or any other Act of this Legislature,

- (a) no grand jurors shall be selected;
- (b) no precept for the return of grand jurors shall be issued; and
- (c) no grand jurors shall be summoned.

Precepts and summonses of no effect.

(2) All precepts so far as they relate to grand jurors and all summonses to grand jurors in existence at the date of the commencement of this Act shall be void and of no effect.

Special juries.

Rev. Stat., c. 108.

2. Notwithstanding section 80 of *The Jurors Act* a special jury shall consist of persons whose names appear on the roll of petit jurors for the Supreme Court or on the roll of petit jurors for the inferior courts for the year in which the notice to the sheriff mentioned in section 79 of *The Jurors Act* is given and subject thereto a special jury shall be struck in accordance with the provisions of section 81 of *The Jurors Act* and all the provisions of *The Jurors Act* relating to special juries shall *mutatis mutandis* apply.

Commencement of Act.

3. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Termination of Act.

4. This Act shall remain in force only during the continuance of the present war and until the 31st day of August next following the termination thereof; provided that no precept for the return of grand jurors and no summons to any grand juror shall be issued in respect of any court, the sittings of which commence on or before the 31st day of January next following such 31st day of August.

Short title.

5. This Act may be cited as *The Grand Juries Suspension Act, 1941*.

EXPLANATORY NOTES

The Bill suspends grand juries for the duration of the present war. It is necessary to continue the suspension for a short period after the termination of the war because of the machinery involved in selecting, issuing precepts for the return of and summoning grand jurors. As the Bill is necessarily complementary to Dominion Legislation it will come into force by Proclamation.

SECTION 1 is the operative section of the Bill and provides that there shall be no selection of grand jurors, no precepts issued for the return of grand jurors and no grand jurors summoned. It further provides that any precepts so far as they relate to grand jurors and any summonses to grand jurors which are in existence at the date of the commencement of the Act shall be void and of no effect.

SECTION 2. Special juries are now composed of grand jurors. The section provides that special juries shall be composed of petit jurors.

SECTIONS 3 and 4 provide for the commencement and termination of the Act.

BILL

An Act to provide for the Suspension of
Grand Juries during the Present War

1st Reading

March 13th, 1941

2nd Reading

3rd Reading

MR. CONANT

No. 66

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Sanatoria for Consumptives Act.

MR. KIRBY

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Sanatoria for Consumptives Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 395,
amended.

1. *The Sanatoria for Consumptives Act* is amended by adding thereto the following sections:

Information
or complaint.

54a.—(1) Any medical officer of health or duly qualified medical practitioner may, with the approval in writing of the Minister, make a complaint or lay an information in writing, and under oath before a justice of the peace, charging that the circumstances set out in clauses *a*, *b* and *c* of subsection 5 exist with regard to any person named in such complaint or information.

Issue of
summons.

(2) Upon receiving any such complaint or information the justice of the peace shall hear and consider the allegations of the complainant, and if he considers it desirable or necessary the evidence of any witness or witnesses, and if he is of the opinion that a case for so doing is made out, he shall issue a summons directed to the person complained of, requiring him to appear before a magistrate at a time or place named therein.

Issue of
warrant.

(3) Where a person to whom a summons is directed does not appear at the time and place named therein, or where it appears that a summons cannot be served, a magistrate may issue a warrant directing that the person named in the summons be brought before him.

Magistrate's
inquiry.

(4) Where a person appears or is brought before a magistrate under this section, the magistrate shall inquire into the truth of the matters charged in the complaint or information, and for such purpose shall proceed

EXPLANATORY NOTES

The Bill enacts three new sections for inclusion in *The Sanatoria for Consumptives Act*.

The proposed section 54a provides for obtaining an order from a magistrate to admit and detain in a sanatorium any person who,

- (a) is suffering from pulmonary tuberculosis in an infectious state;
- (b) is unwilling or unable to conduct himself in such a manner as not to expose members of his family or other persons to danger of infection; and
- (c) refuses to be admitted or to remain in a sanatorium or has left a sanatorium against the advice of the superintendent thereof.

The order shall be for such period, not exceeding one year, as the magistrate may deem necessary. Where it appears that the person so detained is still suffering from pulmonary tuberculosis in an infectious state at the end of the period of detention, the magistrate may order his further detention for such period, not exceeding one year, as the magistrate may deem necessary.

The proposed section 54b provides for the segregation of any patient in a sanatorium who is unwilling or unable to conduct himself in such a manner as not to expose other patients or persons to infection or whose behaviour is detrimental to the recovery of other patients.

The proposed section 54c gives members of the hospital staff, medical officers of health and peace officers certain authority to carry out the provisions of sections 54a and 54b. Section 54c also provides for the release by the Minister of any person who is no longer suffering from pulmonary tuberculosis in an infectious state and provides that the expenses of proceedings taken under sections 54a and 54b shall be paid out of moneys appropriated by the Legislature.

Rev. Stat.,
c. 136.

in the manner prescribed by *The Summary Convictions Act* and shall have all the powers of a magistrate holding a hearing under that Act.

Order for
detention.

(5) Where a magistrate finds that any such person,—

- (a) is suffering from pulmonary tuberculosis in an infectious state;
- (b) is unwilling or unable to conduct himself in such a manner as not to expose members of his family or other persons to danger of infection; and
- (c) refuses to be admitted or to remain in a sanatorium or has left a sanatorium against the advice of the superintendent thereof,

he shall order that such person be admitted to and detained in a sanatorium or in such other place as may be set aside with the approval of the Minister for the care of tuberculous persons, for such period not exceeding one year, as the magistrate may deem necessary.

Laboratory
certificate.

(6) In any inquiry under this section, upon production of a certificate signed or purporting to be signed by the director of a laboratory approved by the Minister as to the presence of tubercle bacilli in the sputum of any person, such certificate shall be *prima facie* evidence of the facts stated therein, and of the authority of the person giving such certificate without any proof of appointment or signature.

Detention
pending
inquiry or
removal.

(7) Any person detained pending a hearing under this section or pending his removal to a sanatorium or other place set aside with the approval of the Minister for the care of tuberculous persons, shall be detained in a sanatorium or such other safe and comfortable place as a justice of the peace or magistrate may direct.

Transfer of
patients.

(8) The Minister may direct the transfer of any person detained under this section to any sanatorium, hospital or any other place when he deems such transfer is necessary for the welfare of the patient.

Extension of
detention.

(9) Any person detained under this section may, with the approval in writing of the Minister, be brought before a magistrate at any time during the last thirty

days of the period for which he is so detained, and if the magistrate finds that he is still suffering from pulmonary tuberculosis in an infectious state he may order that such person be further detained in a sanatorium or such other place as may be set aside with the approval of the Minister for the care of tuberculous persons for such period, not exceeding one year, as the magistrate may deem necessary.

Order for
segregation.

- 54*b*. Any patient in a sanatorium or in any other place set aside with the approval of the Minister for the care of tuberculous persons who is unwilling or unable to conduct himself in such a manner as not to expose other patients or other persons to danger of infection, or whose behaviour is detrimental to the recovery of other patients, may, with the approval in writing of the Minister, be brought before a magistrate who may, if he finds any such condition to exist, order that such patient be segregated from the other patients in a separate part of the sanatorium or other place and there detained for such period not exceeding one year as the magistrate may deem necessary.

Authority
to apprehend, etc.

- 54*c*.—(1) The superintendent, every member of the medical staff and every nurse and attendant employed in a sanatorium or other place set aside with the approval of the Minister for the care of tuberculous persons and every medical officer of health and peace officer shall have authority to,—

- (*a*) execute any warrant and enforce any order of a magistrate issued or made under section 54*a* or 54*b*;
- (*b*) bring any person before a magistrate under subsection 9 of section 54*a* or section 54*b*; and
- (*c*) apprehend any person who has left a sanatorium or other place set aside with the approval of the Minister for the care of tuberculous patients in contravention of any order made under section 54*a* or 54*b*.

Discharge by
Minister.

- (2) Where the Minister is of opinion that any person detained under section 54*a* or 54*b* in a sanatorium or other place set aside with the approval of the Minister for the care of tuberculous persons is no longer suffering from pulmonary tuberculosis in an infectious state, he may direct the discharge of such person.

Expenses of
proceedings.

- (3) The expenses of all proceedings taken under section 54a or 54b shall be paid out of such moneys as may appropriated for the purposes of this Act by the Legislature.

Short title.

- 2.** This Act may be cited as *The Sanatoria for Consumptives Amendment Act, 1941*.

An Act to amend The Sanatoria for
Consumptives Act.

1st Reading

March 17th, 1941

2nd Reading

3rd Reading

MR. KIRBY

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Sanatoria for Consumptives Act.

MR. KIRBY

BILL

An Act to amend The Sanatoria for Consumptives Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 395,
amended.

1. *The Sanatoria for Consumptives Act* is amended by adding thereto the following sections:

Information
or complaint.

54a.—(1) Any medical officer of health or duly qualified medical practitioner may, with the approval in writing of the Minister, make a complaint or lay an information in writing, and under oath before a justice of the peace, charging that the circumstances set out in clauses *a*, *b* and *c* of subsection 5 exist with regard to any person named in such complaint or information.

Issue of
summons.

(2) Upon receiving any such complaint or information the justice of the peace shall hear and consider the allegations of the complainant, and if he considers it desirable or necessary the evidence of any witness or witnesses, and if he is of the opinion that a case for so doing is made out, he shall issue a summons directed to the person complained of, requiring him to appear before a magistrate at a time or place named therein.

Issue of
warrant.

(3) Where a person to whom a summons is directed does not appear at the time and place named therein, or where it appears that a summons cannot be served, a magistrate may issue a warrant directing that the person named in the summons be brought before him.

Magistrate's
inquiry.

(4) Where a person appears or is brought before a magistrate under this section, the magistrate shall inquire into the truth of the matters charged in the complaint or information, and for such purpose shall proceed

in the manner prescribed by *The Summary Convictions Act* and shall have all the powers of a magistrate holding a hearing under that Act. Rev. Stat.,
c. 136.

(5) Where a magistrate finds that any such person,— Order for
detention.

(a) is suffering from pulmonary tuberculosis in an infectious state;

(b) is unwilling or unable to conduct himself in such a manner as not to expose members of his family or other persons to danger of infection; and

(c) refuses to be admitted or to remain in a sanatorium or has left a sanatorium against the advice of the superintendent thereof,

he shall order that such person be admitted to and detained in a sanatorium or in such other place as may be set aside with the approval of the Minister for the care of tuberculous persons, for such period not exceeding one year, as the magistrate may deem necessary.

(6) In any inquiry under this section, upon production of a certificate signed or purporting to be signed by the director of a laboratory approved by the Minister as to the presence of tubercle bacilli in the sputum of any person, such certificate shall be *prima facie* evidence of the facts stated therein, and of the authority of the person giving such certificate without any proof of appointment or signature. Laboratory
certificate.

(7) Any person detained pending a hearing under this section or pending his removal to a sanatorium or other place set aside with the approval of the Minister for the care of tuberculous persons, shall be detained in a sanatorium or such other safe and comfortable place as a justice of the peace or magistrate may direct. Detention
pending
inquiry or
removal.

(8) The Minister may direct the transfer of any person detained under this section to any sanatorium, hospital or any other place when he deems such transfer is necessary for the welfare of the patient. Transfer of
patients.

(9) Any person detained under this section may, with the approval in writing of the Minister, be brought before a magistrate at any time during the last thirty Extension of
detention.

days of the period for which he is so detained, and if the magistrate finds that he is still suffering from pulmonary tuberculosis in an infectious state he may order that such person be further detained in a sanatorium or such other place as may be set aside with the approval of the Minister for the care of tuberculous persons for such period, not exceeding one year, as the magistrate may deem necessary.

Order for
segregation.

54*b*. Any patient in a sanatorium or in any other place set aside with the approval of the Minister for the care of tuberculous persons who is unwilling or unable to conduct himself in such a manner as not to expose other patients or other persons to danger of infection, or whose behaviour is detrimental to the recovery of other patients, may, with the approval in writing of the Minister, be brought before a magistrate who may, if he finds any such condition to exist, order that such patient be segregated from the other patients in a separate part of the sanatorium or other place and there detained for such period not exceeding one year as the magistrate may deem necessary.

Authority
to apprehend,
etc.

54*c*.—(1) The superintendent, every member of the medical staff and every nurse and attendant employed in a sanatorium or other place set aside with the approval of the Minister for the care of tuberculous persons and every medical officer of health and peace officer shall have authority to,—

(*a*) execute any warrant and enforce any order of a magistrate issued or made under section 54*a* or 54*b*;

(*b*) bring any person before a magistrate under subsection 9 of section 54*a* or section 54*b*; and

(*c*) apprehend any person who has left a sanatorium or other place set aside with the approval of the Minister for the care of tuberculous patients in contravention of any order made under section 54*a* or 54*b*.

Discharge by
Minister.

(2) Where the Minister is of opinion that any person detained under section 54*a* or 54*b* in a sanatorium or other place set aside with the approval of the Minister for the care of tuberculous persons is no longer suffering from pulmonary tuberculosis in an infectious state, he may direct the discharge of such person.

(3) The expenses of all proceedings taken under section 54a or 54b shall be paid out of such moneys as may be appropriated for the purposes of this Act by the Legislature. ^{Expenses of proceedings.}

2. This Act may be cited as *The Sanatoria for Consumptives Amendment Act, 1941*. ^{Short title.}



BILL

An Act to amend The Sanatoria for
Consumptives Act.

1st Reading

March 17th, 1941

2nd Reading

March 21st, 1941

3rd Reading

April 7th, 1941

MR. KIRBY

No. 67

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Mining Tax Act.

MR. LAURIER

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 67

1941

BILL

An Act to amend The Mining Tax Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 28, s. 1,
cl. a,
amended.

1. Clause *a* of section 1 of *The Mining Tax Act* is amended by inserting after the word "include" in the eighth line the words "feldspar, nepheline-syenite, gypsum, quartzite, diatomaceous earth", so that the said clause shall now read as follows:

"Mine".

(a) "Mine" shall mean any opening in or working of the ground from or by which metalliferous ore or other solid mineral substance is taken, and shall include the mining claim, mining location, or other the whole parcel of land or mineral in which any such workings are being or have been carried on, but the term "mineral substance" or "mineral workings" shall not include feldspar, nepheline-syenite, gypsum, quartzite, diatomaceous earth, limestone, marl, peat, clay, building stone or stone for ornamental or decorative purposes, or non-auriferous sand or gravel.

Rev. Stat.,
c. 28, s. 4,
subs. 3,
amended.

2. Subsection 3 of section 4 of *The Mining Tax Act* is amended by adding thereto the following clause:

(k) Donations actually made for charitable, educational or patriotic purposes which have been approved by the Mine Assessor.

Rev. Stat.,
c. 28, s. 14,
subs. 1,
amended.

3.—(1) Subsection 1 of section 14 of *The Mining Tax Act* is amended by adding at the end thereof the words "provided that where any mining location, mining claim or claims or mining rights comprise less than ten acres such location, claim, claims or rights shall be liable to a tax of fifty cents", so that the said subsection shall now read as follows:

EXPLANATORY NOTES

SECTION 1. Feldspar, nepheline-syenite, gypsum, quartzite and diatomaceous earth are declared not to be included in the terms "mineral substance" and "mineral workings". Consequently locations from which these substances are taken are deemed not to be mines for the purposes of *The Mining Tax Act*.

SECTION 2. In determining the annual profits of a mine, donations for charitable, educational or patriotic purposes which have been approved by the Mine Assessor will be deducted.

SECTION 3. A minimum acreage tax of 50 cents applicable to parcels of less than ten acres, is prescribed.

Acreage tax.

(1) Except as hereinafter provided,—

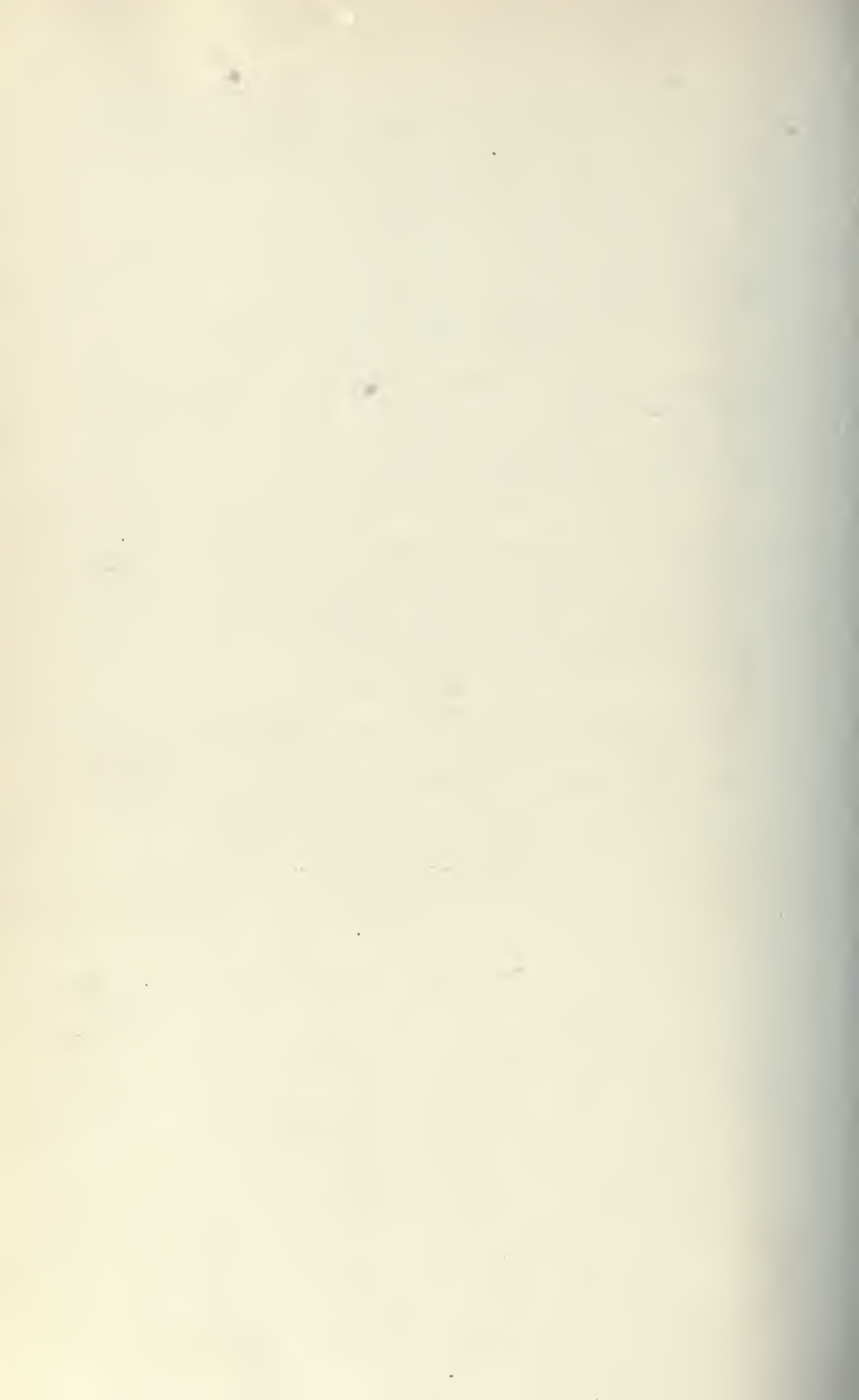
- (a) every mining location and mining claim in unorganized territory in Ontario, held either mediately or immediately under patent granted or lease issued by the Crown under or pursuant to the provisions of any statute, regulation or law at any time in force, authorizing the granting or leasing of Crown lands for mining purposes; and
- (b) all mining rights, whether of all kinds or only one or more kinds of mines or minerals howsoever granted or acquired, owned, or held under lease, agreement, or option, in any lands in Ontario, by any person not owning the surface rights in said lands;

shall be liable for, and the owner, holder, lessee and occupier thereof shall pay an acreage tax of five cents per acre in each year; provided that where any mining location, mining claim or claims or mining rights comprise less than ten acres such location, claim, claims or rights shall be liable to a tax of fifty cents.

Rev. Stat.,
c. 28, s. 14,
subs. 3,
repealed.
Short title.

(2) Subsection 3 of the said section 14 is repealed.

4. This Act may be cited as *The Mining Tax Amendment Act, 1941*.



BILL

An Act to amend The Mining Tax Act.

1st Reading

March 17th, 1941

2nd Reading

3rd Reading

MR. LAURIER

No. 67

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Mining Tax Act.

MR. LAURIER

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Mining Tax Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 28, s. 1,
cl. a,
amended.

1. Clause *a* of section 1 of *The Mining Tax Act* is amended by inserting after the word "include" in the eighth line the words "feldspar, nepheline-syenite, gypsum, quartzite, diatomaceous earth", so that the said clause shall now read as follows:

"Mine".

(a) "Mine" shall mean any opening in or working of the ground from or by which metalliferous ore or other solid mineral substance is taken, and shall include the mining claim, mining location, or other the whole parcel of land or mineral in which any such workings are being or have been carried on, but the term "mineral substance" or "mineral workings" shall not include feldspar, nepheline-syenite, gypsum, quartzite, diatomaceous earth, limestone, marl, peat, clay, building stone or stone for ornamental or decorative purposes, or non-auriferous sand or gravel.

Rev. Stat.,
c. 28, s. 4,
subs. 3,
amended.

2. Subsection 3 of section 4 of *The Mining Tax Act* is amended by adding thereto the following clause:

(k) Donations actually made for charitable, educational or patriotic purposes which have been approved by the Mine Assessor.

Rev. Stat.,
c. 28, s. 14,
subs. 1,
amended.

3.—(1) Subsection 1 of section 14 of *The Mining Tax Act* is amended by adding at the end thereof the words "provided that where any mining location, mining claim or claims or mining rights comprise less than ten acres such location, claim, claims or rights shall be liable to a tax of fifty cents in each year", so that the said subsection shall now read as follows:

(1) Except as hereinafter provided,—

Acreage tax.

(a) every mining location and mining claim in unorganized territory in Ontario, held either mediately or immediately under patent granted or lease issued by the Crown under or pursuant to the provisions of any statute, regulation or law at any time in force, authorizing the granting or leasing of Crown lands for mining purposes; and

(b) all mining rights, whether of all kinds or only one or more kinds of mines or minerals howsoever granted or acquired, owned, or held under lease, agreement, or option, in any lands in Ontario, by any person not owning the surface rights in said lands;

shall be liable for, and the owner, holder, lessee and occupier thereof shall pay an acreage tax of five cents per acre in each year; provided that where any mining location, mining claim or claims or mining rights comprise less than ten acres such location, claim, claims or rights shall be liable to a tax of fifty cents in each year.

(2) Subsection 3 of the said section 14 is repealed.

Rev. Stat.,
c. 28, s. 14,
subs. 3,
repealed.

4. This Act may be cited as *The Mining Tax Amendment Act, 1941*.

Short title.

An Act to amend The Mining Tax Act.

1st Reading

March 17th, 1941

2nd Reading

March 19th, 1941

3rd Reading

March 25th, 1941

MR. LAURIER

No. 68

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Jurors Act.

MR. CONANT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Jurors Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 108, s. 2,
subs. 1,
amended.

1. Subsection 1 of section 2 of *The Jurors Act* is amended by inserting after the word "male" in the second line the words "and female", and by inserting after the word "wife" in the fifth line the words "or husband", so that the said subsection shall now read as follows:

Who
qualified
and liable
to serve.

- (1) Subject to the provisions of section 42, unless exempted or disqualified, every male and female person of the age of twenty-one years or upwards, being a British subject by birth or naturalization and in the possession of his natural faculties, and not infirm or decrepit, who or whose wife or husband is assessed upon the last revised assessment roll as owner or tenant in respect of real property, of the value of not less than \$600 in cities and \$400 in towns, villages and townships shall be qualified and liable to serve as a juror on grand and petit juries in the Supreme Court, and in all courts of civil or criminal jurisdiction within the county in which he resides.

Rev. Stat.,
c. 108, s. 3,
subs. 1,
amended.

2. Subsection 1 of section 3 of *The Jurors Act* is amended by adding thereto the following clauses:

- (ll) Every woman who is a vowed member of a religious order living in a convent or other religious community;

.

- (oo) Every registered nurse;

.

- (za) The wife or husband or every person mentioned in clauses *h*, *i*, *j*, *k*, *m* and *n*.

EXPLANATORY NOTES

GENERAL. The main purpose of the Bill is to provide for a system of mixed juries in Ontario so that women will be qualified to serve on juries in the same manner as men. Because of the necessity for complementary amendments to the *Criminal Code* to permit the use of mixed juries in criminal cases the various sections of the Bill providing for women jurors will come into force on Proclamation.

SECTIONS 1, 2, 3, 5, 7, 8, 11 and 12 are the sections which provide for women jurors. The only two of these sections which do anything further than render existing sections of the Act applicable to women as well as men are sections 2 and 8. Section 2 provides for the exemption from jury service of women who are vowed members of a religious order living in a convent or other religious community, registered nurses and the wives and husbands of judges, magistrates, sheriffs, coroners, gaolers, sheriffs, officers and constables, barristers, solicitors and officers of courts of justice. Section 8 provides that a judge may direct that in any civil case a jury shall be composed of men only, or of women only, and also permits a judge to excuse a woman from jury service in any civil or criminal case by reason of the nature of the evidence.

Rev. Stat.,
c. 108, s. 42,
subs. 5,
amended.

3. Subsection 5 of section 42 of *The Jurors Act* is amended by striking out the word "male" in the second line, so that the said subsection shall now read as follows:

Selection
by district
selectors.

- (5) The district selectors shall then proceed to select, from among the persons of the full age of twenty-one years resident in territory without municipal organization, a list of persons to serve as grand and petit jurors respectively with those to be selected from the local municipalities.

Rev. Stat.,
c. 108, s. 44,
subs. 1,
amended.

4. Subsection 1 of section 44 of *The Jurors Act* is amended by striking out the words "without the specific consent of the judge", in the last line so that the said subsection shall now read as follows:

Inspection
of institu-
tions.

- (1) The judge presiding at a jury sittings of the Supreme Court and at a sittings of the court of general sessions of the peace shall instruct the grand jury that it may inspect all or any of the institutions within the county or district which are maintained in whole or in part by public moneys, and every grand jury which makes such an inspection shall prepare a report or presentment indicating the conditions found to be existing in each of the institutions inspected; provided that where such an inspection has been conducted within the county or district within six months prior to the date of the commencement of such sittings, no inspection shall be made.

Rev. Stat.,
c. 108, s. 61,
cl. d,
amended.

5. Clause *d* of section 61 of *The Jurors Act* is amended by adding thereto the words "provided that in the drafting and disposing of the numbers from the box or urn, the panel when completed shall contain such a number of names of women as will bear the same proportion to the number of names of men as the total number of names of women bears to the total number of names of men on the jurors' list, and provided further that the panel when completed shall not contain the name of a husband and his wife", so that the said clause shall now read as follows:

How panel
of jurors to
be drafted.

- (d) The sheriff shall then proceed in like manner to draft and dispose of other numbers from the box or urn, until the necessary number for the panel has been completed; provided that in the drafting and disposing of the numbers from the box or urn, the panel when completed shall contain such a number of names of women as will bear the same proportion to the number of names of men as the total number of names of women bears to the total number of names of men on the jurors' list, and provided further

SECTION 4. At the present time a grand jury may not inspect public buildings if an inspection has been held within the previous six months unless the presiding judge specifically consents to the inspection being made. The amendment provides that in no case shall an inspection be made if an inspection has been made by a grand jury within the previous six months.

that the panel when completed shall not contain the name of a husband and his wife.

Rev. Stat.,
c. 108, s. 64,
subs. 9,
repealed.

6. Subsection 9 of section 64 of *The Jurors Act* is repealed.

Rev. Stat.,
c. 108, s. 73,
subs. 1,
amended.

7. Subsection 1 of section 73 of *The Jurors Act* is amended by striking out the word "men" in the seventh line and inserting in lieu thereof the word "persons", so that the said subsection shall now read as follows:

If a full
jury do not
appear a
tales may
be granted.

(1) Where a full jury does not appear at a sittings of the Supreme Court, or at a sittings of a county court or of the court of general sessions of the peace, or where, after the appearance of a full jury, by challenge of any of the parties, the jury is likely to remain untaken for default of jurors, the court may command the sheriff to name and appoint so many of such other able persons of the county then present, or who can be found, as will make up a full jury, and the sheriff shall return such persons to serve on the jury.

Rev. Stat.,
c. 108,
amended.

8. *The Jurors Act* is amended by adding thereto the following section:

How jury
to be
composed.

73a. The presiding judge before whom a civil case is or may be heard may in his discretion on an application made by or on behalf of the parties or any of them, or at his own instance, make an order that the jury shall be composed of men only or of women only, as the case may require, or may, on an application made by any woman excuse such woman from service on a jury in respect of any case, civil or criminal, by reason of the nature of the evidence to be given or the issues to be tried.

Rev. Stat.,
c. 108,
amended.

9. *The Jurors Act* is amended by adding thereto the following section:

Oath of
county or
local
selector.

101a. The fees payable to a county or local selector as provided by sections 100 and 101 shall not be paid until such selector shall make and subscribe an oath in the following form:

I, A. B., do swear (or affirm as the case may be) that I have truly, faithfully and impartially, without fear, favour or affection and to the best of my knowledge and ability, performed the duty of a (county or local) selector, and have selected from the proper lists the requisite number of the most fit and proper persons to serve as jurors for the year 19....

Sworn (or affirmed) before me, at.....
the.....day of....., 19....

(Signed) C. D.

(Signed) A. B.

which oath a justice of the peace, a commissioner for taking affidavits or a notary public may administer.

SECTION 6. The repeal of subsection 9 of section 64 renders the Act consistent with the practice which is now followed in all counties and districts.

SECTION 9. The proposed section 101a requires every county and local selector of jurors to subscribe to an oath that he has truly, faithfully and impartially, without fear, favour or affection and to the best of his knowledge and ability, performed the duty of a county or local selector before receiving the fees which are payable to him under the Act.

Rev. Stat.,
c. 108,
amended.

10. *The Jurors Act* is amended by adding thereto the following sections:

Application
to be
excused
from serving
as juror.

106a.—(1) The judge of a county or district court may upon the application of any person summoned to serve as a juror at any sittings of the Supreme Court or of an inferior court to be holden within such county or district, excuse such person from serving as a juror if he is of opinion that the person should be excused because of reasons beyond his control amounting to more than mere inconvenience.

To be made
in writing.

(2) Every application under subsection 1 shall be made in writing to the sheriff of the county or district at least five days prior to the day upon which the person is required to attend as a juror and the sheriff shall place every such application before the judge.

Application
of s. 106.

(3) Section 106 shall not apply to any person who is excused under this section.

Power of
judge.

106b. Nothing in section 106a contained shall derogate from the powers of the judge presiding at a sittings of the Supreme Court or an inferior court to excuse any person from serving as a juror.

Rev. Stat.,
c. 108,
Sched. D,
Form 1,
amended.

11. Form 1 in Schedule D to *The Jurors Act* is amended by striking out the word "men" where it appears in the said Form and inserting in lieu thereof the word "persons", so that the said Form shall now read as follows:

FORM 1.

In the Supreme Court of Ontario

(Section 43)

George the Sixth, by the Grace of God, King, etc.

Ontario
County (or District) of

To Wit:

To the Sheriff of the.....of.....

You are commanded that you cause to come before the Judge or other person holding the sittings of the Supreme Court (or County or District Court) (or the Court of General Sessions of the Peace) at.....in your Bailiwick, on the.....day of....., 19....., all panels concerning such sittings (and when the sittings are for the trial of criminal as well as civil cases), and also cause to come thirteen good and lawful persons of your Bailiwick duly qualified to serve as Grand Jurors at the said sittings; and also summon a competent number, being not less thangood and lawful persons duly qualified to serve as Petit Jurors for the trial of (Criminal and) Civil issues; and that you

SECTION 10. The proposed section 106a permits a county or district court judge to excuse any person summoned as a juror if he is of opinion that the person should be excused because of reasons beyond his control amounting to more than mere inconvenience. Any application to be so excused must be made to the sheriff at least five days before the person is required to attend as a juror.

The proposed section 106b preserves the rights of a judge presiding at a jury sittings to excuse anyone from serving as a juror.

and your deputy Sheriff, Bailiffs, and other officers then and there attend in your proper persons to do those things which to your and their offices appertain. And that you have then and there the names of all Jurors and Constables whom you shall cause to come before us. And have then and there this Precept.

Dated at....., this.....day of.....
19....

Rev. Stat.,
c 108,
amended.

12. *The Jurors Act* and amendments thereto are amended by striking out the words "juryman" and "jurymen" wherever they occur and inserting in lieu thereof the words "juror" and "jurors" respectively.

Commence-
ment of
ss. 1, 2, 3, 5,
7, 8, 11, 12.

13. Sections 1, 2, 3, 5, 7, 8, 11 and 12 shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title,

14. This Act may be cited as *The Jurors Amendment Act, 1941*.

BILL

An Act to amend The Jurors Act

1st Reading

March 17th, 1941

2nd Reading

3rd Reading

MR. CONANT

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Voters' Lists Act.

MR. CONANT

BILL

An Act to amend The Voters' Lists Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 7, s. 5,
subs. 17,
amended.

1. Subsection 17 of section 5 of *The Voters' Lists Act* as amended by section 29 of *The Statute Law Amendment Act, 1940*, is further amended by striking out the word "male" in the fourth line so that the said subsection shall now read as follows:

Entries
of those
qualified
as jurors.

(17) The clerk in making out the voters' list shall in a separate column provided for the purpose, write or mark the letter "J" upon the voters' list opposite the name of every person over twenty-one and under sixty-five years of age, who by the roll appears to possess the property qualification required to qualify him to serve as a juror, and such voters' list shall show at or near the end of the second part, the aggregate number of names of persons upon such lists qualified to serve on juries, and in the case of cities and towns such list shall give the same information for each ward.

Commence-
ment of Act.

2. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

3. This Act may be cited as *The Voters' Lists Amendment Act, 1941*.

EXPLANATORY NOTE

This Bill is complementary to the provisions of Bill No. 68, "An Act to amend The Jurors Act" which provides for mixed juries.

BILL

An Act to amend The Voters' Lists Act.

1st Reading

March 17th, 1941

2nd Reading

3rd Reading

MR. CONANT

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Natural Gas Conservation Act.

MR. LAURIER

BILL

An Act to amend The Natural Gas Conservation Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat.,
c. 49, s. 1,
amended.

1. Section 1 of *The Natural Gas Conservation Act* is amended by relettering the present clause *a* as clause *aa* and by adding thereto the following clause.

"Assistant
Commissioner".

(a) "Assistant Commissioner" shall mean Assistant Natural Gas Commissioner appointed under the provisions of this Act.

Rev. Stat.,
c. 49, s. 12,
amended.

2. Section 12 of *The Natural Gas Conservation Act* is amended by striking out the words "an officer" in the first and second lines and inserting in lieu thereof the word "officers", and by adding after the word "Commissioner" in the second line the words "and the Assistant Natural Gas Commissioner", so that the said section shall now read as follows:

Commissioner,
Assistant
Commissioner.

12. The Lieutenant-Governor in Council may appoint officers to be known as the Natural Gas Commissioner and the Assistant Natural Gas Commissioner.

Rev. Stat.,
c. 49,
amended.

3. *The Natural Gas Conservation Act* is amended by adding thereto the following section:

Power of
Assistant
Commissioner.

14a. The Assistant Commissioner shall exercise and perform the powers and duties delegated, conferred or assigned to him by the Minister and shall, during any period which the Minister may designate, exercise all the powers and perform all the duties of the Commissioner.

Commence-
ment of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

5. This Act may be cited as *The Natural Gas Conservation Amendment Act, 1941*.

EXPLANATORY NOTE

Provision is made for the appointment of an Assistant Natural Gas Commissioner.

BILL

An Act to amend The Natural Gas
Conservation Act.

1st Reading

March 17th, 1941

2nd Reading

3rd Reading

MR. LAURIER

No. 70

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Natural Gas Conservation Act.

MR. LAURIER

No. 70

1941

BILL

An Act to amend The Natural Gas Conservation Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat.,
c. 49, s. 1,
amended.

1. Section 1 of *The Natural Gas Conservation Act* is amended by relettering the present clause *a* as clause *aa* and by adding thereto the following clause.

"Assistant
Commis-
sioner".

(a) "Assistant Commissioner" shall mean Assistant Natural Gas Commissioner appointed under the provisions of this Act.

Rev. Stat.,
c. 49, s. 12,
amended.

2. Section 12 of *The Natural Gas Conservation Act* is amended by striking out the words "an officer" in the first and second lines and inserting in lieu thereof the word "officers", and by adding after the word "Commissioner" in the second line the words "and the Assistant Natural Gas Commissioner", so that the said section shall now read as follows:

Commis-
sioner,
Assistant
Commis-
sioner.

12. The Lieutenant-Governor in Council may appoint officers to be known as the Natural Gas Commissioner and the Assistant Natural Gas Commissioner.

Rev. Stat.,
c. 49,
amended.

3. *The Natural Gas Conservation Act* is amended by adding thereto the following section:

Power of
Assistant
Commis-
sioner.

14a. The Assistant Commissioner shall exercise and perform the powers and duties delegated, conferred or assigned to him by the Minister and shall, during any period which the Minister may designate, exercise all the powers and perform all the duties of the Commissioner.

Commence-
ment of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

5. This Act may be cited as *The Natural Gas Conservation Amendment Act, 1941*.

BILL

An Act to amend The Natural Gas
Conservation Act.

1st Reading

March 17th, 1941

2nd Reading

March 21st, 1941

3rd Reading

April 1st, 1941

MR. LAURIER

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

Act respecting Relief to Municipalities regarding Hydro-Electric
Railways.

MR. MCQUESTEN

BILL

An Act respecting Relief to Municipalities regarding
Hydro-Electric Railways.

Preamble.

1914, c. 31.

1922, c. 69.

WHEREAS in response to demands for better transportation by means of electric radials, *The Hydro-Electric Railway Act, 1914*, and amendments thereto were enacted; and whereas pursuant thereto The Hydro-Electric Power Commission of Ontario as required by the Lieutenant-Governor in Council investigated and reported upon certain proposed electric radials which were to be supplied with power by the Commission; and whereas agreements authorized and approved by Order-in-Council were entered into between certain municipal corporations and the Commission for the construction and operation of two electric radials and each of the corporations deposited with the Commission, to the amount apportioned to it as its respective share of the cost of the work, its debentures to be held by the Commission as collateral security for an equal total amount of bonds of the Commission to be issued for the cost of the work and constituting a first charge on the assets of the radials and guaranteed by the Province; and whereas work was commenced and expenditures were incurred by the Commission for surveys, lands and materials; and whereas the Royal Commission appointed by the Lieutenant-Governor in Council in 1920 to investigate the economic situation and prospects in connection with the radials reported unfavourably in view of the development of other convenient means of transportation by highways; and whereas the Legislature enacted *The Municipal Electric Railway Act, 1922*, which repealed *The Hydro-Electric Railway Act, 1914*, and amendments and declared void and of no further effect the agreements between the municipal corporations and the Commission but provided for revival of such radials without guarantee by the Province but only after resubmission of the agreements to the electors of the corporations; and whereas the assent of the electors was not secured in a sufficient number of the corporations and the radials were not revived; and whereas the Judicial Committee of the Privy Council in the case of the corporation of the City of St. Catharines versus the Commission in effect decided that the corporations were liable for their respective shares of the liabilities incurred in

EXPLANATORY NOTES

GENERAL. The purpose of the Bill is finally to dispose of the liabilities and obligations of the Province of Ontario, The Hydro-Electric Power Commission of Ontario and certain municipal corporations with respect to two electric radial undertakings that were commenced under *The Hydro-Electric Railway Act, 1914*, and amendments.

connection with the radials and their debentures were held by the Commission as collateral security for such liabilities, and whereas such liabilities amount in total to \$2,246,622.82 as of the 31st day of March, 1941, comprising \$1,026,322.14 principal and \$1,220,300.68 interest; and whereas by transfer of certain radial lands to the Province for highways and the remainder to the Commission for power purposes such total has been reduced to \$1,246,622.82 outstanding as of the 31st day of March, 1941; and whereas owing to such circumstances the radials authorized as aforesaid and in respect of which the debentures of the corporations were deposited, were not constructed; and whereas it is deemed inequitable to require the corporations to meet any part of such liabilities because they have received no benefits; and whereas the Province as guarantor of such liabilities has undertaken to meet the outstanding balance thereof and relieve the corporations of their indebtedness, liabilities and obligations in connection therewith:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpre-
tation,—

1. In this Act,—

“Commis-
sion”;

(a) “Commission” shall mean The Hydro-Electric Power Commission of Ontario;

“corpora-
tion”;

(b) “corporation” shall mean any of the corporations of—

(i) the Townships of Grantham, Louth, Clinton, North Grimsby, Barton, East Flamboro', Nelson, Trafalgar, Toronto and Etobicoke,

(ii) the Villages of Beamsville, Grimsby and Port Credit,

(iii) the Towns of Burlington, Oakville, New Toronto and Mimico, and

(iv) the Cities of St. Catharines, Hamilton and Toronto;

“Province”;

(c) “Province” shall mean the Province of Ontario;

“1914 Act”;

1914, c. 31;
1922, c. 69.

(d) “1914 Act” shall mean *The Hydro-Electric Railway Act, 1914*, and the amendments thereto enacted prior to 1922;

SECTION 1. Self explanatory.

"radials"; (e) "radials" shall mean the railway from the City of Toronto to the Village of Port Credit and the railway from the Village of Port Credit to the City of St. Catharines which were authorized and undertaken under the 1914 Act;

"radial agreement"; (f) "radial agreement" shall mean an agreement between the Commission and any of the corporations under the 1914 Act;

"radial lands." (g) "radial lands" shall mean lands which were acquired by the Commission for the radials under the 1914 Act and which were registered in the name of the Commission.

Land transferred to His Majesty. 2.—(1) The transfer by the Commission to His Majesty, represented by the Minister of Highways for Ontario, of the radial lands described in Schedule A to this Act and the payment out of the Highway Improvement Fund to the Commission as consideration for such transfer of \$500,000 for the credit of the account of the radials on the books of the Commission, are hereby validated and confirmed.

Land transferred to Commission. (2) The transfer by the Commission of all the remaining radial lands, being the only property of the radials remaining unliquidated, from radial undertakings to power undertakings of the Commission and the payment by the Commission as consideration for such transfer of \$500,000 to the credit of the account of the radials on the books of the Commission, are hereby validated and confirmed.

Lands vested. 1922, s. 69. (3) Notwithstanding anything contained in any radial agreement or the 1914 Act or *The Municipal Electric Railway Act, 1922*, or any other general or special Act, the lands referred to in subsection 1 are hereby vested in His Majesty, represented by the Minister of Highways for Ontario, and the lands referred to in subsection 2 are hereby vested in the Commission, free of all liens, claims, trusts, charges and encumbrances whatsoever.

Liabilities reduced. 3. The application by the Commission in reduction of the liabilities of the radials of the two sums of \$500,000 each mentioned in subsections 1 and 2 of section 2 and of all other sums previously realized by the Commission from liquidation of property of the radials, is hereby validated and confirmed.

Balance of liabilities assumed by Province. 4. The balance of the liabilities of the radials outstanding after such reduction and amounting to \$1,246,622.82 as of the 31st day of March, 1941, shall be assumed by the Province and shall be paid by the Treasurer of Ontario to the Commission out of the Consolidated Revenue Fund.

SECTION 2. Validates transfer of certain lands for highway purposes for \$500,000 and the remaining lands for power purposes of the Commission for \$500,000 and vests the lands in His Majesty represented by the Minister of Highways for Ontario and in the Commission respectively.

SECTION 3. Validates the reduction by the Commission of the liabilities of the radials by the amounts received by the Commission on disposal of assets.

SECTION 4. The balance of the liabilities outstanding which amount to \$1,246,622.82 as of 31st March, 1941, shall be assumed by the Province and paid by the Treasurer of Ontario out of Consolidated Revenue Fund.

Cremation
of debentures.

5.—(1) Upon payment to the Commission of such outstanding balance, the debentures of the corporations held as collateral security by the Commission in the amounts set out opposite the name of each corporation in Schedule B to this Act shall be delivered to the Treasurer of Ontario and he shall cause such debentures to be cremated in the presence of the Provincial Auditor or a deputy appointed by him.

Discharge
of corporations.

(2) Upon receipt of evidence of such cremation the Lieutenant-Governor in Council shall authorize the discharge of the corporations from liability and the corporations shall be free of all indebtedness, liabilities and obligations in connection with such debentures or the radials.

Certificate
to corporations.

(3) The Treasurer of Ontario thereupon shall issue to each of the corporations a certificate setting out therein the fact of the cremation of the debentures, the amounts thereof and the discharge of the corporations from liability.

Cancellation
of bonds.

6. The Commission shall cancel and cremate all bonds of the Commission authorized under the 1914 Act and shall deliver evidence of such cremation to the Treasurer of Ontario.

Commission
freed.

7. The Commission shall cease to have any obligation under any radial agreement or under the 1914 Act or to any corporation in respect thereof and shall be free of all indebtedness, liabilities and obligations in any manner connected therewith or with the radials.

Province
free of
guarantee.

8. Notwithstanding any Order-in-Council passed under the 1914 Act guaranteeing the payment of the bonds of the Commission, the Province shall be free of any obligation in connection with such guarantee.

Registration
of Act.

9. A copy of this Act shall be deposited, copied and registered in the general register of every registry division in which is registered or recorded the title of any land or interest therein which by this Act is vested in His Majesty or in the Commission as aforesaid and every registrar of deeds shall, upon the request of the Minister of Highways for Ontario or of the Commission, enter in the abstract index of each parcel or tract of land which or in which an interest is vested as aforesaid, a note, entry or memorandum showing that such parcel, tract or interest is vested in His Majesty or in the Commission, as the case may be, and referring to the registration number in the general register where this Act has been registered as aforesaid.

Commence-
ment of Act.

10. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

11. This Act may be cited as *The Municipal Hydro Radial Relief Act, 1941*.

SECTION 5. Provides that upon payment of such outstanding balance the municipal debentures shall be delivered to the Treasurer of Ontario and cremated. Thereupon the Lieutenant-Governor in Council shall authorize discharge of the municipalities from liability and they are declared to be free therefrom. The Treasurer of Ontario shall issue a certificate to each municipality certifying the cremation and the discharge of the municipality.

SECTION 6. Requires the Commission to cancel and cremate all of its bonds in connection with these radials and deliver evidence of such cremation to the Treasurer of Ontario.

SECTION 7. Frees the Commission of its obligations in connection with these radials.

SECTION 8. Releases the Province from any liability under its guarantee.

SECTION 9. Provides for registration of the Act and entry thereof in the abstract index of each parcel or tract of land affected by the transfers validated under section 2.

SECTION 10. The Act comes into force when it receives Royal Assent.

SCHEDULE A

Description of Radial Lands transferred by
the Commission to His Majesty represented by
by the Minister of Highways for Ontario.

ALL AND SINGULAR those certain parcels and tracts of land situate in the Township of Etobicoke in the County of York and lying between the Lake Shore road and the Canadian National Railway and Easterly of Salisbury Avenue, and being composed of all those portions of lots Nos. 13, 14, 15, 16, 17 and 20 as shown on Plan No. 1176 registered in the Registry Office for the Registry Division of the East and West Ridings of the County of York, having an area of 41.31 acres more or less and being more particularly described as follows:

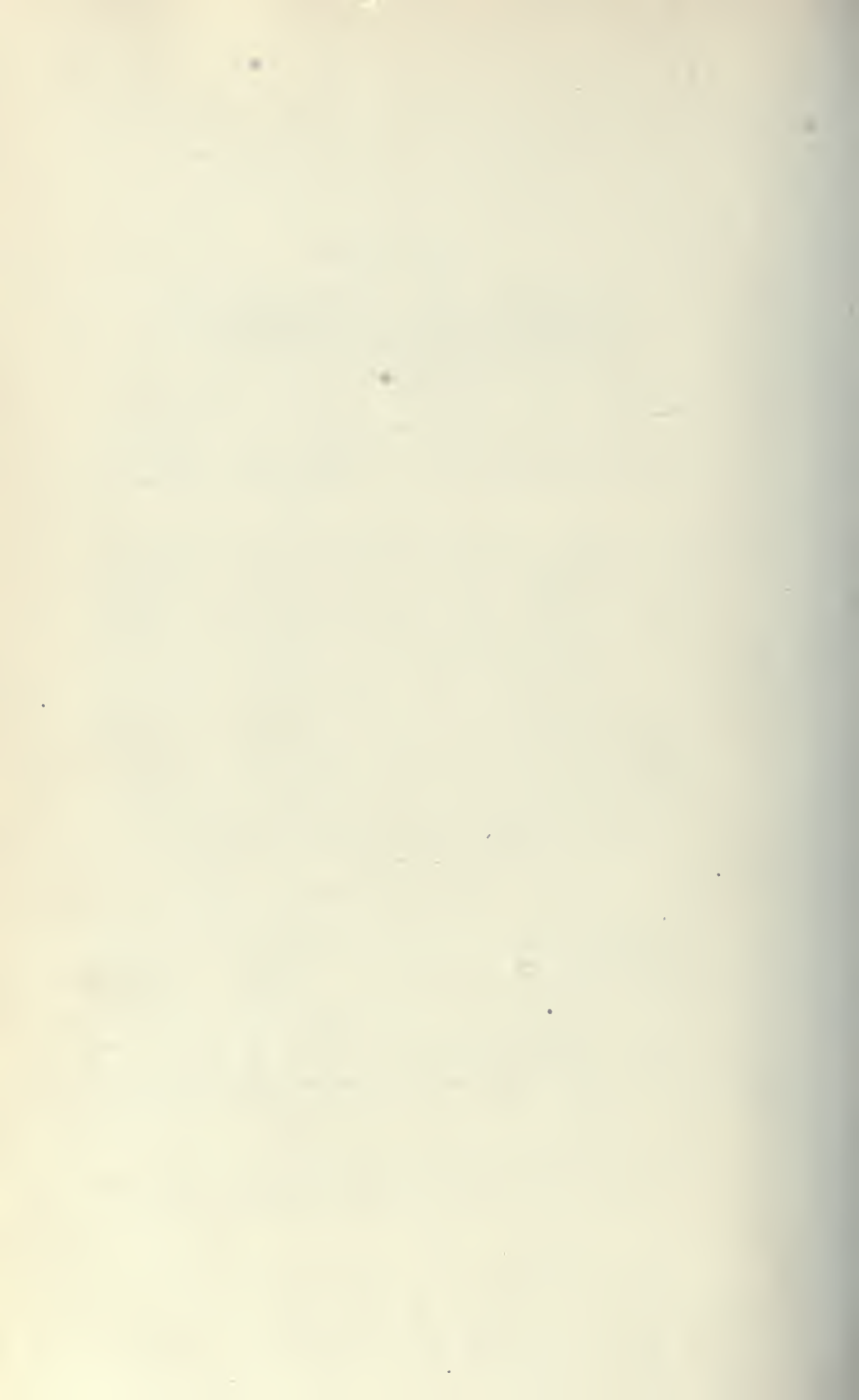
FIRSTLY—Those portions of said Lots Nos. 13, 14, 15, 16 and 17; commencing at the Northwesterly angle of said Lot 16, thence South 44 degrees and 03 minutes West along the Southeasterly limit of the Right-of-Way lands of the Canadian National Railways 960.18 feet; thence South 43 degrees 46 minutes and 40 seconds West and continuing along said Right-of-Way limit 841.42 feet to the most Northerly angle of Lot 12 shown on said Plan No. 1176; thence South 21 degrees 52 minutes and 30 seconds West along the Westerly limits of said Lots 14 and 13 being also the Easterly limit of said Lot 12, in all a distance of 678.71 feet more or less to the most Southerly angle of said Lot 12, being a point in the Northeasterly limit of Salisbury Avenue and marked by a stone monument; thence South 43 degrees and 48 minutes East along the Northeasterly limit of Salisbury Avenue 316.31 feet to an angle in the said limit marked by a Stone Monument; thence continuing along the Northeasterly limit of Salisbury Avenue South 61 degrees and 50 minutes East 669.64 feet to the Northwesterly limit of the lands of the Toronto Transportation Commission; thence North 24 degrees and 54 minutes East along the last mentioned limit 480.54 feet to the Northwesterly limit of the lands shown on the plan deposited in the said Registry Office and filed as No. 2606; thence Northeasterly along the last mentioned limit on the following courses and distances; North 19 degrees and 08 minutes East 1,274.54 feet, thence North 12 degrees and 35 minutes East 327.33 feet, thence Northeasterly on a curve to the right having a radius of 586.00 feet and to which the last described course is tangent, the chord of which has a length of 224.13 feet bearing North 23 degrees 36 minutes and 30 seconds East, a distance of 225.52 feet arc measurement to the end of the said curve, thence North 34 degrees and 38 minutes East and tangent to the last described curve, 395.33 feet to the Southerly limit of the lands described in instrument registered as No. 30845 for said Township of Etobicoke; thence Northwesterly in a straight line to a point in the Northwesterly limit of said Lot 17 being the said Northeasterly limit of the said Right-of-Way lands of the Canadian National Railways distant 159.12 feet measured on a course of North 43 degrees 54 minutes and 30 seconds East from the said point of commencement; thence Southwesterly along the last mentioned limit 159.12 feet to the point of commencement.

SECONDLY—That portion of said Lot No. 20; being all of said lot saving and excepting thereout and therefrom that part of the said lot expropriated for highway purposes as shown on the plan deposited in the said Registry Office and filed as No. 2606.

SCHEDULE B

LIST SHOWING THE CORPORATIONS, THEIR
RESPECTIVE SHARES OF THE TOTAL LIABILITIES
AS OF MARCH 31st, 1941 AND THE RESPECTIVE
AMOUNTS OF THEIR DEBENTURES DEPOSITED AS
COLLATERAL SECURITY WITH THE COMMISSION
UNDER THE 1914 ACT

Name of Corporation	Respective Shares of Total Liabilities as of March 31st, 1941	Respective Amounts of Debentures Deposited as Collateral
PORT CREDIT-ST. CATHARINES		
Township of Grantham	\$ 9,442.77	\$ 141,604.00
“ “ Louth	41,473.34	621,935.00
“ “ Clinton	34,872.86	522,954.00
“ “ North Grimsby	31,216.69	468,126.00
“ “ Barton	20,941.09	314,033.00
“ “ East Flamboro	19,626.54	294,320.00
“ “ Nelson	27,590.26	413,744.00
“ “ Trafalgar	39,656.53	594,690.00
“ “ Toronto	17,893.82	268,336.00
Village of Beamsville	3,788.67	56,815.00
Village of Grimsby	7,494.86	112,393.00
Town of Burlington	10,639.42	159,549.00
Town of Oakville	14,950.23	224,194.00
City of St. Catharines	45,914.79	688,539.00
City of Hamilton	432,043.21	6,478,928.00
Totals—Port Credit-St. Catharines	<u>\$ 757,545.08</u>	<u>\$11,360,160.00</u>
TORONTO-PORT CREDIT		
Township of Toronto	\$ 64,272.33	\$ 220,542.00
Township of Etobicoke	116,960.66	401,335.00
Village of Port Credit	15,751.74	54,050.00
Town of New Toronto	23,970.03	82,250.00
Town of Mimico	32,406.90	111,200.00
City of Toronto	1,235,716.08	4,240,196.00
Totals—Toronto-Port Credit	<u>\$1,489,077.74</u>	<u>\$ 5,109,573.00</u>
Grand Totals for Both Radials	<u>\$2,246,622.82</u>	<u>\$16,469,733.00</u>





BILL

An Act respecting Relief to Municipalities
regarding Hydro-Electric Railways.

1st Reading

March 17th, 1941

2nd Reading

3rd Reading

MR. McQUESTEN

No. 71

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act respecting Relief to Municipalities regarding Hydro-Electric
Railways.

MR. MCQUESTEN

BILL

An Act respecting Relief to Municipalities regarding Hydro-Electric Railways.

Preamble.

1914, c. 31.

WHEREAS in response to demands for better transportation by means of electric radials, *The Hydro-Electric Railway Act, 1914*, and amendments thereto were enacted; and whereas pursuant thereto The Hydro-Electric Power Commission of Ontario as required by the Lieutenant-Governor in Council investigated and reported upon certain proposed electric radials which were to be supplied with power by the Commission; and whereas agreements authorized and approved by Order-in-Council were entered into between certain municipal corporations and the Commission for the construction and operation of two electric radials and each of the corporations deposited with the Commission, to the amount apportioned to it as its respective share of the cost of the work, its debentures to be held by the Commission as collateral security for an equal total amount of bonds of the Commission to be issued for the cost of the work and constituting a first charge on the assets of the radials and guaranteed by the Province; and whereas work was commenced and expenditures were incurred by the Commission for surveys, lands and materials; and whereas the Royal Commission appointed by the Lieutenant-Governor in Council in 1920 to investigate the economic situation and prospects in connection with the radials reported unfavourably in view of the development of other convenient means of transportation by highways; and whereas the

1922, c. 69.

Legislature enacted *The Municipal Electric Railway Act, 1922*, which repealed *The Hydro-Electric Railway Act, 1914*, and amendments and declared void and of no further effect the agreements between the municipal corporations and the Commission but provided for revival of such radials without guarantee by the Province but only after resubmission of the agreements to the electors of the corporations; and whereas the assent of the electors was not secured in a sufficient number of the corporations and the radials were not revived; and whereas the Judicial Committee of the Privy Council in the case of the corporation of the City of St. Catharines versus the Commission in effect decided that the corporations were liable for their respective shares of the liabilities incurred in

connection with the radials and their debentures were held by the Commission as collateral security for such liabilities; and whereas such liabilities amount in total to \$2,246,622.82 as of the 31st day of March, 1941, comprising \$1,026,322.14 principal and \$1,220,300.68 interest; and whereas by transfer of certain radial lands to the Province for highways and the remainder to the Commission for power purposes such total has been reduced to \$1,246,622.82 outstanding as of the 31st day of March, 1941; and whereas owing to such circumstances the radials authorized as aforesaid and in respect of which the debentures of the corporations were deposited, were not constructed; and whereas it is deemed inequitable to require the corporations to meet any part of such liabilities because they have received no benefits; and whereas the Province as guarantor of such liabilities has undertaken to meet the outstanding balance thereof and relieve the corporations of their indebtedness, liabilities and obligations in connection therewith:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre-
tation,—

- (a) "Commission" shall mean The Hydro-Electric Power Commission of Ontario; "Commission";
- (b) "corporation" shall mean any of the corporations of— "corporation";
 - (i) the Townships of Grantham, Louth, Clinton, North Grimsby, Barton, East Flamboro', Nelson, Trafalgar, Toronto and Etobicoke,
 - (ii) the Villages of Beamsville, Grimsby and Port Credit,
 - (iii) the Towns of Burlington, Oakville, New Toronto and Mimico, and
 - (iv) the Cities of St. Catharines, Hamilton and Toronto;
- (c) "Province" shall mean the Province of Ontario; "Province";
- (d) "1914 Act" shall mean *The Hydro-Electric Railway Act, 1914*, and the amendments thereto enacted prior to 1922; "1914 Act";
1914, c. 31;
1922, c. 69.

"radials"; (e) "radials" shall mean the railway from the City of Toronto to the Village of Port Credit and the railway from the Village of Port Credit to the City of St. Catharines which were authorized and undertaken under the 1914 Act;

"radial agreement"; (f) "radial agreement" shall mean an agreement between the Commission and any of the corporations under the 1914 Act;

"radial lands." (g) "radial lands" shall mean lands which were acquired by the Commission for the radials under the 1914 Act and which were registered in the name of the Commission.

Land transferred to His Majesty. 2.—(1) The transfer by the Commission to His Majesty, represented by the Minister of Highways for Ontario, of the radial lands described in Schedule A to this Act and the payment out of the Highway Improvement Fund to the Commission as consideration for such transfer of \$500,000 for the credit of the account of the radials on the books of the Commission, are hereby validated and confirmed.

Land transferred to Commission. (2) The transfer by the Commission of all the remaining radial lands, being the only property of the radials remaining unliquidated, from radial undertakings to power undertakings of the Commission and the payment by the Commission as consideration for such transfer of \$500,000 to the credit of the account of the radials on the books of the Commission, are hereby validated and confirmed.

Lands vested. 1922, c. 69. (3) Notwithstanding anything contained in any radial agreement or the 1914 Act or *The Municipal Electric Railway Act, 1922*, or any other general or special Act, the lands referred to in subsection 1 are hereby vested in His Majesty, represented by the Minister of Highways for Ontario, and the lands referred to in subsection 2 are hereby vested in the Commission, free of all liens, claims, trusts, charges and encumbrances whatsoever.

Liabilities reduced. 3. The application by the Commission in reduction of the liabilities of the radials of the two sums of \$500,000 each mentioned in subsections 1 and 2 of section 2 and of all other sums previously realized by the Commission from liquidation of property of the radials, is hereby validated and confirmed.

Balance of liabilities assumed by Province. 4. The balance of the liabilities of the radials outstanding after such reduction and amounting to \$1,246,622.82 as of the 31st day of March, 1941, shall be assumed by the Province and shall be paid by the Treasurer of Ontario to the Commission out of the Consolidated Revenue Fund.

5.—(1) Upon payment to the Commission of such outstanding balance, the debentures of the corporations held as collateral security by the Commission in the amounts set out opposite the name of each corporation in Schedule B to this Act shall be delivered to the Treasurer of Ontario and he shall cause such debentures to be cremated in the presence of the Provincial Auditor or a deputy appointed by him. Cremation of debentures.

(2) Upon receipt of evidence of such cremation the Lieutenant-Governor in Council shall authorize the discharge of the corporations from liability and the corporations shall be free of all indebtedness, liabilities and obligations in connection with such debentures or the radials. Discharge of corporations.

(3) The Treasurer of Ontario thereupon shall issue to each of the corporations a certificate setting out therein the fact of the cremation of the debentures, the amounts thereof and the discharge of the corporations from liability. Certificate to corporations.

6. The Commission shall cancel and cremate all bonds of the Commission authorized under the 1914 Act and shall deliver evidence of such cremation to the Treasurer of Ontario. Cancellation of bonds.

7. The Commission shall cease to have any obligation under any radial agreement or under the 1914 Act or to any corporation in respect thereof and shall be free of all indebtedness, liabilities and obligations in any manner connected therewith or with the radials. Commission freed.

8. Notwithstanding any Order-in-Council passed under the 1914 Act guaranteeing the payment of the bonds of the Commission, the Province shall be free of any obligation in connection with such guarantee. Province free of guarantee.

9. A copy of this Act shall be deposited, copied and registered in the general register of every registry division in which is registered or recorded the title of any land or interest therein which by this Act is vested in His Majesty or in the Commission as aforesaid and every registrar of deeds shall, upon the request of the Minister of Highways for Ontario or of the Commission, enter in the abstract index of each parcel or tract of land which or in which an interest is vested as aforesaid, a note, entry or memorandum showing that such parcel, tract or interest is vested in His Majesty or in the Commission, as the case may be, and referring to the registration number in the general register where this Act has been registered as aforesaid. Registration of Act.

10. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

11. This Act may be cited as *The Municipal Hydro Radial Relief Act, 1941*. Short title.

SCHEDULE A

Description of Radial Lands transferred by
the Commission to His Majesty represented
by the Minister of Highways for Ontario.

ALL AND SINGULAR those certain parcels and tracts of land situate in the Township of Etobicoke in the County of York and lying between the Lake Shore road and the Canadian National Railway and Easterly of Salisbury Avenue, and being composed of all those portions of lots Nos. 13, 14, 15, 16, 17 and 20 as shown on Plan No. 1176 registered in the Registry Office for the Registry Division of the East and West Ridings of the County of York, having an area of 41.31 acres more or less and being more particularly described as follows:

FIRSTLY—Those portions of said Lots Nos. 13, 14, 15, 16 and 17; commencing at the Northwesterly angle of said Lot 16, thence South 44 degrees and 03 minutes West along the Southeasterly limit of the Right-of-Way lands of the Canadian National Railways 960.18 feet; thence South 43 degrees 46 minutes and 40 seconds West and continuing along said Right-of-Way limit 841.42 feet to the most Northerly angle of Lot 12 shown on said Plan No. 1176; thence South 21 degrees 52 minutes and 30 seconds West along the Westerly limits of said Lots 14 and 13 being also the Easterly limit of said Lot 12, in all a distance of 678.71 feet more or less to the most Southerly angle of said Lot 12, being a point in the Northeasterly limit of Salisbury Avenue and marked by a stone monument; thence South 43 degrees and 48 minutes East along the Northeasterly limit of Salisbury Avenue 316.31 feet to an angle in the said limit marked by a Stone Monument; thence continuing along the Northeasterly limit of Salisbury Avenue South 61 degrees and 50 minutes East 669.64 feet to the Northwesterly limit of the lands of the Toronto Transportation Commission; thence North 24 degrees and 54 minutes East along the last mentioned limit 480.54 feet to the Northwesterly limit of the lands shown on the plan deposited in the said Registry Office and filed as No. 2606; thence Northeasterly along the last mentioned limit on the following courses and distances; North 19 degrees and 08 minutes East 1,274.54 feet, thence North 12 degrees and 35 minutes East 327.33 feet, thence Northeasterly on a curve to the right having a radius of 586.00 feet and to which the last described course is tangent, the chord of which has a length of 224.13 feet bearing North 23 degrees 36 minutes and 30 seconds East, a distance of 225.52 feet arc measurement to the end of the said curve, thence North 34 degrees and 38 minutes East and tangent to the last described curve, 395.33 feet to the Southerly limit of the lands described in instrument registered as No. 30845 for said Township of Etobicoke; thence Northwesterly in a straight line to a point in the Northwesterly limit of said Lot 17 being the said Northeasterly limit of the said Right-of-Way lands of the Canadian National Railways distant 159.12 feet measured on a course of North 43 degrees 54 minutes and 30 seconds East from the said point of commencement; thence Southwesterly along the last mentioned limit 159.12 feet to the point of commencement.

SECONDLY—That portion of said Lot No. 20; being all of said lot saving and excepting thereout and therefrom that part of the said lot expropriated for highway purposes as shown on the plan deposited in the said Registry Office and filed as No. 2606.

SCHEDULE B

LIST SHOWING THE CORPORATIONS, THEIR
RESPECTIVE SHARES OF THE TOTAL LIABILITIES
AS OF MARCH 31st, 1941 AND THE RESPECTIVE
AMOUNTS OF THEIR DEBENTURES DEPOSITED AS
COLLATERAL SECURITY WITH THE COMMISSION
UNDER THE 1914 ACT

Name of Corporation	Respective Shares of Total Liabilities as of March 31st, 1941	Respective Amounts of Debentures Deposited as Collateral
PORT CREDIT-ST. CATHARINES		
Township of Grantham.....	\$ 9,442.77	\$ 141,604.00
" " Louth.....	41,473.34	621,935.00
" " Clinton.....	34,872.86	522,954.00
" " North Grimsby.....	31,216.69	468,126.00
" " Barton.....	20,941.09	314,033.00
" " East Flamboro.....	19,626.54	294,320.00
" " Nelson.....	27,590.26	413,744.00
" " Trafalgar.....	39,656.53	594,690.00
" " Toronto.....	17,893.82	268,336.00
Village of Beamsville.....	3,788.67	56,815.00
Village of Grimsby.....	7,494.86	112,393.00
Town of Burlington.....	10,639.42	159,549.00
Town of Oakville.....	14,950.23	224,194.00
City of St. Catharines.....	45,914.79	688,539.00
City of Hamilton.....	432,043.21	6,478,928.00
Totals—Port Credit-St. Catharines	<u>\$ 757,545.08</u>	<u>\$11,360,160.00</u>
TORONTO-PORT CREDIT		
Township of Toronto.....	\$ 64,272.33	\$ 220,542.00
Township of Etobicoke.....	116,960.66	401,335.00
Village of Port Credit.....	15,751.74	54,050.00
Town of New Toronto.....	23,970.03	82,250.00
Town of Mimico.....	32,406.90	111,200.00
City of Toronto.....	1,235,716.08	4,240,196.00
Totals—Toronto-Port Credit.....	<u>\$1,489,077.74</u>	<u>\$ 5,109,573.00</u>
Grand Totals for Both Radials	<u><u>\$2,246,622.82</u></u>	<u><u>\$16,469,733.00</u></u>

An Act respecting Relief to Municipalities
regarding Hydro-Electric Railways.

1st Reading

March 17th, 1941

2nd Reading

March 21st, 1941

3rd Reading

April 1st, 1941

MR. MCQUESTEN

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to ratify and confirm a certain Agreement entered into
between His Majesty the King and The Algoma Central
and Hudson Bay Railway Company.

MR. CONANT

BILL

An Act to ratify and confirm a certain Agreement entered into between His Majesty the King and The Algoma Central and Hudson Bay Railway Company.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Agreement
ratified and
confirmed.

1. Notwithstanding any general or special Act of this Legislature the agreement made the 18th day of March, A.D. 1940, between His Majesty the King, in the right of the Province of Ontario as represented therein by the Honourable Mitchell Frederick Hepburn, Prime Minister, President of the Council and Treasurer, and the Honourable Peter Heenan, P.C., Minister of Lands and Forests, of the first part, and The Algoma Central and Hudson Bay Railway Company, a company incorporated by Special Act of the Parliament of the Dominion of Canada, and having its head office in the City of Sault Ste. Marie, in the District of Algoma, in the Province of Ontario, of the second part, a copy of which is set out in the Schedule to this Act, is ratified and confirmed and declared to be legal, valid and binding.

Commence-
ment of
Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

3. This Act may be cited as *The Algoma Central and Hudson Bay Railway Company Act, 1941*.

EXPLANATORY NOTE

This Act is to confirm an agreement between the Government and the Algoma Central and Hudson Bay Railway Company whereby the claim of the province to certain taxes, interest and penalties is compromised by the payment to the Government of \$121,814.22 and the transfer to the Government by the Company of approximately 850,000 acres of land.

SCHEDULE

TO THE ALGOMA CENTRAL AND HUDSON BAY
RAILWAY COMPANY ACT, 1941.

THIS AGREEMENT made this 18th day of March, A.D. 1940.

BETWEEN:

HIS MAJESTY THE KING, in the right of the Province of Ontario as represented herein by the Honourable Mitchell Frederick Hepburn, Prime Minister, President of the Council and Treasurer, and the Honourable Peter Heenan, P.C., Minister of Lands and Forests, herein-after called "the Government",

OF THE FIRST PART;

—and—

THE ALGOMA CENTRAL AND HUDSON BAY RAILWAY COMPANY, a Company incorporated by Special Act of the Parliament of the Dominion of Canada, and having its head office in the City of Sault Ste. Marie, in the District of Algoma, in the Province of Ontario, hereinafter called "the Company",

OF THE SECOND PART.

WHEREAS the Company has constructed, owns and operates a Railway in the District of Algoma in the Province of Ontario;

AND WHEREAS certain lands were granted to the Company by the Crown in the right of the Province of Ontario under and by virtue of a certain Statute of the Legislature of the Province of Ontario, entitled An Act respecting Aid by Land Grant to The Algoma Central Railway Company being 63 Victoria, Chapter 30.

AND WHEREAS by Section 15 of the above Act it was provided that the provisions of an Act respecting the Taxation of Patented Lands in Algoma, Manitoulin, Thunder Bay and Rainy River, R.S.O. 1897, Chapter 26, should not apply to any portion of the lands to be granted to the Company, which last-mentioned Act and all amendments thereto were subsequently repealed by 7 Edward VII (1907), Chapter 9, Section 23;

AND WHEREAS certain other lands were granted to the Company by the Crown in the right of the Province of Ontario under and by virtue of certain Statutes of the Legislature of the Province of Ontario entitled (1) An Act respecting Aid to Certain Railways, being 62 Victoria (2), Chapter 23, and (2) The Statute Law Amendment Act 1911, being 1 George V, Chapter 17 (Section 18);

AND WHEREAS by virtue of The Provincial Land Tax Act, R.S.O. 1937, Chapter 30, as enacted by 14 Geo. V (1924), Chapter 13 the Crown in the right of the Province of Ontario has claimed the sum of \$805,682.24 from the Company for taxes, interest and penalties up to the end of the calendar year 1939, which amount remains unpaid and in respect of which the Company contends that it was assured at the time of its enactment that the said Act was not intended to apply to the lands of the Company and that the original exemption from land tax still prevailed.

AND WHEREAS the Company has paid under protest to the Treasurer of Ontario since 1910 over \$200,000.00 for timber dues on jackpine timber used for railway ties for which it has denied liability under the terms of the aforesaid Act providing for the said land grant.

AND WHEREAS by virtue of The Corporations Tax Act the Crown in the right of the Province of Ontario has claimed the sum of \$1,389,016.19 from the Company for mileage taxes, interest and penalties up to the end of the calendar year 1939, which amount remains unpaid and for which amount the Company contends it is not liable;

AND WHEREAS by virtue of The Railway Fire Charge Act the Crown in the right of the Province of Ontario has claimed from the Company

the sum of \$81,312.11 for charges, interest and penalties thereunder up to the end of the calendar year 1939, which amount remains unpaid and for which the Company contends it is not liable;

AND WHEREAS a settlement has this date been effected with respect to all outstanding claims of His Majesty the King in the right of the Province of Ontario against the Company in respect of taxes and other liabilities under the Statutes hereinbefore referred to up to the end of the calendar year 1939; and fixing the amount of taxes to be levied against the Company and its lands under the said Acts in 1940 and subsequent years, all as and for the considerations hereinafter set forth.

NOW THEREFORE THIS AGREEMENT WITNESSETH that the Parties hereto for the considerations hereinafter mentioned covenant and agree as follows:

1. In consideration of the sum of \$121,814.22 now paid to the Government, the receipt whereof is acknowledged, and of the transfer to His Majesty the King in the right of the Province of Ontario as represented by the Minister of Lands and Forests (hereinafter called "the Crown"), of the lands more specifically described in Schedule "A" hereto and mentioned in Clause 2 hereof, the Government has released and by these presents doth release the Company and/or its lands from all claims, liens or liability for charges, taxes, interest and penalties accruing against the Company and/or its lands under The Corporations Tax Act, The Provincial Land Tax Act and The Railway Fire Charge Act up to and including the 31st day of December, 1939.

2. The Company covenants that the lands situate in the Townships or part Townships listed in Schedule "A" hereto, comprising approximately 850,528 acres and to be transferred to the Crown, as provided in Clause 1 hereof, are free and clear of all liens, charges, encumbrances, rights or privileges, save and except those set out in Clause 4 hereof, and that such lands represent the acreage owned by the Company in the said Townships or part Townships after making the following deductions:

- (a) All existing rights-of-way, station grounds and land held or appropriated by the Company for railway-operating purposes prior to the date hereof: and,
- (b) All lands transferred in fee simple or under contract for sale as farming lands, or leased on long-term Mining Leases, or permitted by the Company to be staked as Mining Claims prior to the date hereof; and
- (c) All lands leased by the Company on long-term leases to Great Lakes Power Company, Limited, prior to the date hereof.

3. And the Company covenants and agrees that it will pay forthwith to the Treasurer of Ontario the cost of registering the conveyances or transfers to the Crown of the lands mentioned in Clause 2 hereof in the proper Registry or Land Titles Office.

4. It is understood and agreed that the lands to be transferred to the Crown as aforesaid are, and shall be, subject to the pulpwood cutting agreement dated 1st March, 1911, between the Company and Lake Superior Paper Company Limited, which was assigned by Lake Superior Paper Company Limited to Abitibi Power & Paper Company Limited by assignment dated 1st August, 1928, and every right, benefit and interest of the Company and Abitibi Power & Paper Company Limited respectively in or under said agreement is reserved to the Company and Abitibi Power & Paper Company Limited respectively, except those rights of the Company hereinafter specifically assigned and transferred to the Crown, and that irrespective of the aforesaid agreement, but subject to the rights heretofore held by the Company as against Abitibi Power & Paper Company Limited and hereinafter specifically assigned and transferred to the Crown, all spruce, balsam, hemlock, balm of Gilead and poplar trees now or hereafter on those of the said lands to which the aforesaid pulpwood cutting agreement applies, and the right to go upon the said lands for the purpose

of cutting and removing the same, are and shall be reserved to the Company, its successors and assigns until 2nd March, 2010.

The following rights reserved to the Company under said agreement: (a) to cut and remove such of said pulpwoods as may be necessary in the prospecting for, development and operation of any and all mines, minerals and mining lands and any power developments on any of said lands; and (b) to sell, lease or otherwise dispose of, free from any liens or claims whatever on the part of Lake Superior Paper Company Limited, its successors or assigns, any of such lands, to bona fide settlers; are hereby assigned and transferred to the Crown in respect of the lands to be conveyed by the Company to the Crown under Clause 2 hereof, but not in respect of the lands covered by the said agreement remaining in the ownership of the Company in respect of which last mentioned lands the said rights are retained by the Company.

5. That from and as of the first day of January, 1940, no portion of the fire charge as presently levied under The Railway Fire Charge Act shall be assessed against the interest of the Company in the lands granted as railway subsidy lands and retained by the Company.

6. That all lands owned by the Company at the date hereof shall be exempt from assessment and taxation under The Provincial Land Tax Act from and as of the first day of January, 1940, so long as they are retained by the Company, but except as provided in Clause 9 hereof, this exemption shall not apply to any rights of others now held or hereafter acquired.

7. The tax to be paid by the Company under The Corporations Tax Act and under The Corporations Tax Amendment Act, 1940, for the five years 1940 to 1944, both inclusive, is hereby fixed at \$6.25 per mile of line per annum.

8. The Company waives and renounces its claim to a refund of the dues on Jackpine used for railway purposes, paid by the Company to the Crown in the right of the Province of Ontario under protest and renounces its denial of liability therefor.

9. It is hereby declared that, except as otherwise herein specifically provided, the provisions of this agreement shall extend to and enure to the benefit of the Company and its successors and/or assigns as owners of the railway presently known as The Algoma Central and Hudson Bay Railway as an entirety or substantially as an entirety and to no other successors or assigns.

IN WITNESS WHEREOF the Parties hereto have executed this agreement.

SIGNED, SEALED AND DELIVERED

In the presence of

W. C. CAIN

KENNETH F. MACKENZIE

HIS MAJESTY THE KING, in the right of
THE PROVINCE OF ONTARIO.

By M. F. HEPBURN,
Prime Minister, President of the
Council and Treasurer of Ontario.

PETER HEENAN,
Minister of Lands and Forests.

THE ALGOMA CENTRAL AND HUDSON
BAY RAILWAY COMPANY.

E. B. BARBER, President. [Seal]

G. S. SAUNDERSON, Secretary.

Schedule "A"

To agreement dated the 18th day of March, A.D. 1940, between His Majesty the King in the right of the Province of Ontario and The Algoma Central and Hudson Bay Railway Company.

LANDS TO BE TRANSFERRED OR RELEASED TO THE
PROVINCE OF ONTARIO

Range	Township	Approximate Acreage	Range	Township	Approximate Acreage
			Forward		445,964
	Irving	52,121	13	28	19,954
	No. ½ Franz	26,567		29	14,668
29	58	22,976	14	24	22,905
9	24	21,573		28	23,452
10	23	22,984		29	10,282
	24	18,186	17	24	22,862
	25	23,221		25	23,097
11	22	25,257		29	21,625
	23	23,175	18	24	23,059
	25	17,484		25	23,116
	26 (East ½)	13,899		29	22,995
12	22	22,636	19	26	23,232
	23	23,088		27	22,667
	24	22,437		30	22,990
	25	22,397		31	19,492
	26	20,979	20	26	22,652
	27	21,150		27	22,377
13	26	22,799		30	22,969
	27	23,035		31	20,170
		<hr/> 445,964			<hr/> 850,528

BILL

An Act to ratify and confirm a certain
Agreement entered into between His
Majesty the King and The Algoma
Central and Hudson Bay Rail-
way Company.

1st Reading

March 20th, 1941

2nd Reading

3rd Reading

MR. CONANT

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

**An Act to ratify and confirm a certain Agreement entered into
between His Majesty the King and The Algoma Central
and Hudson Bay Railway Company.**

MR. CONANT

BILL

An Act to ratify and confirm a certain Agreement entered into between His Majesty the King and The Algoma Central and Hudson Bay Railway Company.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Agreement
ratified and
confirmed.

1. Notwithstanding any general or special Act of this Legislature the agreement made the 18th day of March, A.D. 1940, between His Majesty the King, in the right of the Province of Ontario as represented therein by the Honourable Mitchell Frederick Hepburn, Prime Minister, President of the Council and Treasurer, and the Honourable Peter Heenan, P.C., Minister of Lands and Forests, of the first part, and The Algoma Central and Hudson Bay Railway Company, a company incorporated by Special Act of the Parliament of the Dominion of Canada, and having its head office in the City of Sault Ste. Marie, in the District of Algoma, in the Province of Ontario, of the second part, a copy of which is set out in the Schedule to this Act, is ratified and confirmed and declared to be legal, valid and binding.

Commence-
ment of
Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

3. This Act may be cited as *The Algoma Central and Hudson Bay Railway Company Act, 1941*.

SCHEDULE

TO THE ALGOMA CENTRAL AND HUDSON BAY
RAILWAY COMPANY ACT, 1941.

THIS AGREEMENT made this 18th day of March, A.D. 1940.

BETWEEN:

HIS MAJESTY THE KING, in the right of the Province of Ontario as represented herein by the Honourable Mitchell Frederick Hepburn, Prime Minister, President of the Council and Treasurer, and the Honourable Peter Heenan, P.C., Minister of Lands and Forests, herein-after called "the Government",

OF THE FIRST PART;

—and—

THE ALGOMA CENTRAL AND HUDSON BAY RAILWAY COMPANY, a Company incorporated by Special Act of the Parliament of the Dominion of Canada, and having its head office in the City of Sault Ste. Marie, in the District of Algoma, in the Province of Ontario, hereinafter called "the Company",

OF THE SECOND PART.

WHEREAS the Company has constructed, owns and operates a Railway in the District of Algoma in the Province of Ontario;

AND WHEREAS certain lands were granted to the Company by the Crown in the right of the Province of Ontario under and by virtue of a certain Statute of the Legislature of the Province of Ontario, entitled An Act respecting Aid by Land Grant to The Algoma Central Railway Company being 63 Victoria, Chapter 30.

AND WHEREAS by Section 15 of the above Act it was provided that the provisions of an Act respecting the Taxation of Patented Lands in Algoma, Manitoulin, Thunder Bay and Rainy River, R.S.O. 1897, Chapter 26, should not apply to any portion of the lands to be granted to the Company, which last-mentioned Act and all amendments thereto were subsequently repealed by 7 Edward VII (1907), Chapter 9, Section 23;

AND WHEREAS certain other lands were granted to the Company by the Crown in the right of the Province of Ontario under and by virtue of certain Statutes of the Legislature of the Province of Ontario entitled (1) An Act respecting Aid to Certain Railways, being 62 Victoria (2), Chapter 23, and (2) The Statute Law Amendment Act 1911, being 1 George V, Chapter 17 (Section 18);

AND WHEREAS by virtue of The Provincial Land Tax Act, R.S.O. 1937, Chapter 30, as enacted by 14 Geo. V (1924), Chapter 13 the Crown in the right of the Province of Ontario has claimed the sum of \$805,682.24 from the Company for taxes, interest and penalties up to the end of the calendar year 1939, which amount remains unpaid and in respect of which the Company contends that it was assured at the time of its enactment that the said Act was not intended to apply to the lands of the Company and that the original exemption from land tax still prevailed.

AND WHEREAS the Company has paid under protest to the Treasurer of Ontario since 1910 over \$200,000.00 for timber dues on jackpine timber used for railway ties for which it has denied liability under the terms of the aforesaid Act providing for the said land grant.

AND WHEREAS by virtue of The Corporations Tax Act the Crown in the right of the Province of Ontario has claimed the sum of \$1,389,016.19 from the Company for mileage taxes, interest and penalties up to the end of the calendar year 1939, which amount remains unpaid and for which amount the Company contends it is not liable;

AND WHEREAS by virtue of The Railway Fire Charge Act the Crown in the right of the Province of Ontario has claimed from the Company

the sum of \$81,312.11 for charges, interest and penalties thereunder up to the end of the calendar year 1939, which amount remains unpaid and for which the Company contends it is not liable;

AND WHEREAS a settlement has this date been effected with respect to all outstanding claims of His Majesty the King in the right of the Province of Ontario against the Company in respect of taxes and other liabilities under the Statutes hereinbefore referred to up to the end of the calendar year 1939; and fixing the amount of taxes to be levied against the Company and its lands under the said Acts in 1940 and subsequent years, all as and for the considerations hereinafter set forth.

NOW THEREFORE THIS AGREEMENT WITNESSETH that the Parties hereto for the considerations hereinafter mentioned covenant and agree as follows:

1. In consideration of the sum of \$121,814.22 now paid to the Government, the receipt whereof is acknowledged, and of the transfer to His Majesty the King in the right of the Province of Ontario as represented by the Minister of Lands and Forests (hereinafter called "the Crown"), of the lands more specifically described in Schedule "A" hereto and mentioned in Clause 2 hereof, the Government has released and by these presents doth release the Company and/or its lands from all claims, liens or liability for charges, taxes, interest and penalties accruing against the Company and/or its lands under The Corporations Tax Act, The Provincial Land Tax Act and The Railway Fire Charge Act up to and including the 31st day of December, 1939.

2. The Company covenants that the lands situate in the Townships or part Townships listed in Schedule "A" hereto, comprising approximately 850,528 acres and to be transferred to the Crown, as provided in Clause 1 hereof, are free and clear of all liens, charges, encumbrances, rights or privileges, save and except those set out in Clause 4 hereof, and that such lands represent the acreage owned by the Company in the said Townships or part Townships after making the following deductions:

- (a) All existing rights-of-way, station grounds and land held or appropriated by the Company for railway-operating purposes prior to the date hereof: and,
- (b) All lands transferred in fee simple or under contract for sale as farming lands, or leased on long-term Mining Leases, or permitted by the Company to be staked as Mining Claims prior to the date hereof; and
- (c) All lands leased by the Company on long-term leases to Great Lakes Power Company, Limited, prior to the date hereof.

3. And the Company covenants and agrees that it will pay forthwith to the Treasurer of Ontario the cost of registering the conveyances or transfers to the Crown of the lands mentioned in Clause 2 hereof in the proper Registry or Land Titles Office.

4. It is understood and agreed that the lands to be transferred to the Crown as aforesaid are, and shall be, subject to the pulpwood cutting agreement dated 1st March, 1911, between the Company and Lake Superior Paper Company Limited, which was assigned by Lake Superior Paper Company Limited to Abitibi Power & Paper Company Limited by assignment dated 1st August, 1928, and every right, benefit and interest of the Company and Abitibi Power & Paper Company Limited respectively in or under said agreement is reserved to the Company and Abitibi Power & Paper Company Limited respectively, except those rights of the Company hereinafter specifically assigned and transferred to the Crown, and that irrespective of the aforesaid agreement, but subject to the rights heretofore held by the Company as against Abitibi Power & Paper Company Limited and hereinafter specifically assigned and transferred to the Crown, all spruce, balsam, hemlock, balm of Gilead and poplar trees now or hereafter on those of the said lands to which the aforesaid pulpwood cutting agreement applies, and the right to go upon the said lands for the purpose

of cutting and removing the same, are and shall be reserved to the Company, its successors and assigns until 2nd March, 2010.

The following rights reserved to the Company under said agreement: (a) to cut and remove such of said pulpwoods as may be necessary in the prospecting for, development and operation of any and all mines, minerals and mining lands and any power developments on any of said lands; and (b) to sell, lease or otherwise dispose of, free from any liens or claims whatever on the part of Lake Superior Paper Company Limited, its successors or assigns, any of such lands, to bona fide settlers; are hereby assigned and transferred to the Crown in respect of the lands to be conveyed by the Company to the Crown under Clause 2 hereof, but not in respect of the lands covered by the said agreement remaining in the ownership of the Company in respect of which last mentioned lands the said rights are retained by the Company.

5. That from and as of the first day of January, 1940, no portion of the fire charge as presently levied under The Railway Fire Charge Act shall be assessed against the interest of the Company in the lands granted as railway subsidy lands and retained by the Company.

6. That all lands owned by the Company at the date hereof shall be exempt from assessment and taxation under The Provincial Land Tax Act from and as of the first day of January, 1940, so long as they are retained by the Company, but except as provided in Clause 9 hereof, this exemption shall not apply to any rights of others now held or hereafter acquired.

7. The tax to be paid by the Company under The Corporations Tax Act and under The Corporations Tax Amendment Act, 1940, for the five years 1940 to 1944, both inclusive, is hereby fixed at \$6.25 per mile of line per annum.

8. The Company waives and renounces its claim to a refund of the dues on Jackpine used for railway purposes, paid by the Company to the Crown in the right of the Province of Ontario under protest and renounces its denial of liability therefor.

9. It is hereby declared that, except as otherwise herein specifically provided, the provisions of this agreement shall extend to and enure to the benefit of the Company and its successors and/or assigns as owners of the railway presently known as The Algoma Central and Hudson Bay Railway as an entirety or substantially as an entirety and to no other successors or assigns.

IN WITNESS WHEREOF the Parties hereto have executed this agreement.

SIGNED, SEALED AND DELIVERED

In the presence of

W. C. CAIN

KENNETH F. MACKENZIE

HIS MAJESTY THE KING, in the right of
THE PROVINCE OF ONTARIO.

By M. F. HEPBURN,
Prime Minister, President of the
Council and Treasurer of Ontario.

PETER HEENAN,
Minister of Lands and Forests.

THE ALGOMA CENTRAL AND HUDSON
BAY RAILWAY COMPANY.

E. B. BARBER, President. [Seal]

G. S. SAUNDERSON, Secretary.

Schedule "A"

To agreement dated the 18th day of March, A.D. 1940, between His Majesty the King in the right of the Province of Ontario and The Algoma Central and Hudson Bay Railway Company.

LANDS TO BE TRANSFERRED OR RELEASED TO THE
PROVINCE OF ONTARIO

Range	Township	Approximate Acreage	Range Forward	Township	Approximate Acreage
					445,964
	Irving	52,121	13	28	19,954
	No. ½ Franz	26,567		29	14,668
29	58	22,976	14	24	22,905
9	24	21,573		28	23,452
10	23	22,984		29	10,282
	24	18,186	17	24	22,862
	25	23,221		25	23,097
11	22	25,257		29	21,625
	23	23,175	18	24	23,059
	25	17,484		25	23,116
	26 (East ½)	13,899		29	22,995
12	22	22,636	19	26	23,232
	23	23,088		27	22,667
	24	22,437		30	22,990
	25	22,397		31	19,492
	26	20,979	20	26	22,652
	27	21,150		27	22,377
13	26	22,799		30	22,969
	27	23,035		31	20,170
		<hr/>			<hr/>
		445,964			850,528

BILL

An Act to ratify and confirm a certain Agreement entered into between His Majesty the King and The Algoma Central and Hudson Bay Railway Company.

1st Reading

March 20th, 1941

2nd Reading

March 31st, 1941

3rd Reading

April 7th, 1941

MR. CONANT

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Income Act (Ontario).

MR. CONANT

No. 73

1941

BILL

An Act to amend The Income Tax Act (Ontario).

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 25, s. 4,
amended.

1. Section 4 of *The Income Tax Act* (Ontario) is amended by adding thereto the following paragraph:

Service
pay and
allowances.

(i) The service pay and allowances of,—

(i) warrant officers, non-commissioned officers and men of the Canadian naval, military and air forces, while in the Canadian Active Service Forces, and

(ii) commissioned officers of the said Forces while on active service beyond Canada, or on active service in Canada, whose duties are of such a character as are required normally to be performed afloat or in aircraft.

Rev. Stat.,
c. 25, s. 5,
subs. 1,
amended.

2.—(1) Subsection 1 of section 5 of *The Income Tax Act* (Ontario) as amended by section 1 of *The Income Tax Amendment Act, 1939*, and section 3 of *The Income Tax Amendment Act, 1940*, is further amended by adding thereto the following paragraph:

Evacuated
children.

(ee) four hundred dollars for each child maintained by the taxpayer in Ontario under a co-operative scheme sponsored by the Governments of the United Kingdom and of Canada or any of the provinces of Canada for children brought from the United Kingdom under a government plan; provided that the tax reduction obtained as a result of such deduction shall not in any case exceed the amount of tax reduction which would be received by a married person without dependents in respect of an income of five thousand dollars.

EXPLANATORY NOTES

SECTION 1. This amendment exempts the income of certain members of the Canadian naval, military and air forces from tax under conditions described.

SECTION 2—Subsection 1. This allows a deduction from the taxpayer's income of four hundred dollars for each child maintained by the taxpayer in Ontario under a co-operative scheme sponsored by the Governments of the United Kingdom and of Canada or of any of the provinces of Canada.

Rev. Stat.,
c. 25, s. 5,
subs. 1,
par. *j*, re-
enacted;
par. *n*
(1939,
2nd Sess.,
c. 4, s. 1),
repealed.

(2) Paragraph *j* of subsection 1 of the said section 5, and paragraph *n* of subsection 1 of the said section 5 as enacted by section 1 of *The Income Tax Amendment Act, 1939*, are repealed and the following substituted therefor:

- (*j*) the amounts allowed as exemptions, by way of charitable and patriotic donations, under the *Income War Tax Act* (Canada) for the corresponding period.

Rev. Stat.,
c. 25,
amended.

3. *The Income Tax Act* (Ontario) is amended by adding thereto the following section:

Duplica-
tion of
taxation—
prevention
of.

8a.—(1) Notwithstanding anything contained in this Act and for the purpose of preventing duplication of taxation—

- (a) where a person moves his residence from Ontario to another province or territory of Canada and such person is not living in Ontario on the 31st day of December, he shall be deemed not to have resided in Ontario during any part of the year ending on such 31st day of December, provided that by the laws of the province or territory in which he resides on the 31st day of December a provision reciprocal to this clause is in force, or
- (b) where a person has resided in Ontario during any part of a year and in another province or territory of Canada during the balance of such year, such person shall be taxed on his whole income and such tax shall be reduced in that proportion which the number of days in which he resided in such other province or territory bears to three hundred and sixty-five, provided that by the laws of the province or territory in which such person had his residence during the other part of such year a provision reciprocal to this clause is in force, or
- (c) where a person not being a resident in Ontario is employed in Ontario his income shall not be taxed, provided that by the laws of the province or territory of Canada in which he does reside a provision reciprocal to this clause is in force.

- (2) If the law of any other province or territory of Canada contains provisions reciprocal to both clauses *a* and *b* of subsection 1, clause *a* shall apply.

SECTION 2—Subsection 2. This replaces the present provisions for allowances of charitable and patriotic donations, and places them on the same basis as that applicable under the Income War Tax Act (Canada).

SECTION 3. This sets out provisions for the taxation of persons who move their residence from one province to another during the taxation year, so that there shall be no duplication of taxation of the same income by more than one province.

- (3) No person shall be deemed to come within the provisions of subsection 1 until he has furnished proof to the satisfaction of the Treasurer as to his place of residence and as to the amount of his income assessed for taxes in such other province or territory of Canada.

Rev. Stat.,
c. 25, s. 48,
amended.

4. Section 48 of *The Income Tax Act* (Ontario) is amended by renumbering the present subsection 2 as subsection 3 and by adding thereto the following subsection:

Alternative
method of
payment.

- (2) If any person pays one-third of the tax estimated in his return of his income in four equal monthly instalments commencing on or before the 31st day of January and ending on or before the 30th day of April in each year, he may pay the balance of such estimated tax in four equal monthly instalments commencing on or before the 31st day of May and ending on or before the 31st day of August of each year without interest, provided that if the prescribed amounts be not paid within the prescribed times the taxpayer shall lose the benefits of this subsection.

Commence-
ment of Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent and its provisions shall be applicable to the income of the year 1940 and all fiscal periods ending therein, and to the income of all subsequent years and fiscal periods.

Short title.

6. This Act may be cited as *The Income Tax Amendment Act, 1941*.

SECTION 4. This section provides for the payment of income tax in eight monthly instalments, commencing on January 31st and ending on August 31st of each year without interest.

BILL

An Act to amend The Income Tax Act
(Ontario).

1st Reading

March 21st, 1941.

2nd Reading

3rd Reading

MR. CONANT

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Income Tax Act (Ontario).

MR. CONANT

(Reprinted as amended in Committee of the Whole House.)

BILL

An Act to amend The Income Tax Act (Ontario).

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 25, s. 4,
amended.

1. Section 4 of *The Income Tax Act* (Ontario) is amended by adding thereto the following paragraph:

Service
pay and
allowances.

(t) The service pay and allowances of,—

- (i) warrant officers, non-commissioned officers and men of the Canadian naval, military and air forces, while in the Canadian Active Service Forces, and
- (ii) commissioned officers of the said Forces while on active service beyond Canada, or on active service in Canada, whose duties are of such a character as are required normally to be performed afloat or in aircraft.

Rev. Stat.,
c. 25, s. 5,
subs. 1,
amended.

2.—(1) Subsection 1 of section 5 of *The Income Tax Act* (Ontario) as amended by section 1 of *The Income Tax Amendment Act, 1939*, and section 3 of *The Income Tax Amendment Act, 1940*, is further amended by adding thereto the following paragraph:



Evacuated
children.

- (ee) Four hundred dollars for each child evacuated during the present war from the United Kingdom of Great Britain, Ireland or the British dominions beyond the seas under twenty-one years of age and dependent upon the taxpayer for support and maintained by the taxpayer in Ontario; provided that the tax reduction obtained as a result of such deduction shall not in any case exceed the amount of tax reduction which would be received by a married person without dependents in respect of an income of five thousand dollars;



EXPLANATORY NOTES

SECTION 1. This amendment exempts the income of certain members of the Canadian naval, military and air forces from tax under conditions described.

SECTION 2—Subsection 1. This allows a deduction from the taxpayer's income of four hundred dollars for each child evacuated during the war from Great Britain, Ireland or the British Dominions under twenty-one years of age, dependent on and maintained by the taxpayer in Ontario.

Rev. Stat.,
c. 25, s. 5,
subs. 1,
par. j, re-
enacted;
par. n
(1939,
2nd Sess.,
c. 4, s. 1),
repealed.

(2) Paragraph *j* of subsection 1 of the said section 5, and paragraph *n* of subsection 1 of the said section 5 as enacted by section 1 of *The Income Tax Amendment Act, 1939*, are repealed and the following substituted therefor:

- (*j*) the amounts allowed as exemptions, by way of charitable and patriotic donations, under the *Income War Tax Act* (Canada) for the corresponding period.

Rev. Stat.,
c. 25,
amended.

3. *The Income Tax Act* (Ontario) is amended by adding thereto the following section:

Duplica-
tion of
taxation—
prevention
of.

8a.—(1) Notwithstanding anything contained in this Act and for the purpose of preventing duplication of taxation—

- (a) where a person moves his residence from Ontario to another province or territory of Canada and such person is not living in Ontario on the 31st day of December, he shall be deemed not to have resided in Ontario during any part of the year ending on such 31st day of December, provided that by the laws of the province or territory in which he resides on the 31st day of December a provision reciprocal to this clause is in force, or
- (b) where a person has resided in Ontario during any part of a year and in another province or territory of Canada during the balance of such year, such person shall be taxed on his whole income and such tax shall be reduced in that proportion which the number of days in which he resided in such other province or territory bears to three hundred and sixty-five, provided that by the laws of the province or territory in which such person had his residence during the other part of such year a provision reciprocal to this clause is in force, or
- (c) where a person not being a resident in Ontario is employed in Ontario his income shall not be taxed, provided that by the laws of the province or territory of Canada in which he does reside a provision reciprocal to this clause is in force.

- (2) If the law of any other province or territory of Canada contains provisions reciprocal to both clauses *a* and *b* of subsection 1, clause *a* shall apply.

SECTION 2—Subsection 2. This replaces the present provisions for allowances of charitable and patriotic donations, and places them on the same basis as that applicable under the Income War Tax Act (Canada).

SECTION 3. This sets out provisions for the taxation of persons who move their residence from one province to another during the taxation year, so that there shall be no duplication of taxation of the same income by more than one province.

- (3) No person shall be deemed to come within the provisions of subsection 1 until he has furnished proof to the satisfaction of the Treasurer as to his place of residence and as to the amount of his income assessed for taxes in such other province or territory of Canada.

Rev. Stat.,
c. 25, s. 48,
amended.

4. Section 48 of *The Income Tax Act* (Ontario) is amended by renumbering the present subsection 2 as subsection 3 and by adding thereto the following subsection:

Alternative
method of
payment.

- (2) If any person pays one-third of the tax estimated in his return of his income in four equal monthly instalments commencing on or before the 31st day of January and ending on or before the 30th day of April in each year, he may pay the balance of such estimated tax in four equal monthly instalments commencing on or before the 31st day of May and ending on or before the 31st day of August of each year without interest, provided that if the prescribed amounts be not paid within the prescribed times the taxpayer shall lose the benefits of this subsection.

Commence-
ment of Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent and its provisions shall be applicable to the income of the year 1940 and all fiscal periods ending therein, and to the income of all subsequent years and fiscal periods.

Short title.

6. This Act may be cited as *The Income Tax Amendment Act, 1941*.

SECTION 4. This section provides for the payment of income tax in eight monthly instalments, commencing on January 31st and ending on August 31st of each year without interest.

An Act to amend The Income Tax Act
(Ontario).

1st Reading

March 21st, 1941.

2nd Reading

March 31st, 1941

3rd Reading

MR. CONANT

*(Reprinted as amended in Committee of
the Whole House.)*

No. 73

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Income Tax Act (Ontario).

MR. CONANT

No. 73

1941

BILL

An Act to amend The Income Tax Act (Ontario).

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 25, s. 4,
amended.

1. Section 4 of *The Income Tax Act* (Ontario) is amended by adding thereto the following paragraph:

Service
pay and
allowances.

(i) The service pay and allowances of,—

(i) warrant officers, non-commissioned officers and men of the Canadian naval, military and air forces, while in the Canadian Active Service Forces, and

(ii) commissioned officers of the said Forces while on active service beyond Canada, or on active service in Canada, whose duties are of such a character as are required normally to be performed afloat or in aircraft.

Rev. Stat.,
c. 25, s. 5,
subs. 1,
amended.

2.—(1) Subsection 1 of section 5 of *The Income Tax Act* (Ontario) as amended by section 1 of *The Income Tax Amendment Act, 1939*, and section 3 of *The Income Tax Amendment Act, 1940*, is further amended by adding thereto the following paragraph:

Evacuated
children.

(ee) Four hundred dollars for each child evacuated during the present war from the United Kingdom of Great Britain, Ireland or the British dominions beyond the seas under twenty-one years of age and dependent upon the taxpayer for support and maintained by the taxpayer in Ontario; provided that the tax reduction obtained as a result of such deduction shall not in any case exceed the amount of tax reduction which would be received by a married person without dependents in respect of an income of five thousand dollars;

(2) Paragraph *j* of subsection 1 of the said section 5, and paragraph *n* of subsection 1 of the said section 5 as enacted by section 1 of *The Income Tax Amendment Act, 1939*, are repealed and the following substituted therefor:

Rev. Stat.,
c. 25, s. 5,
subs. 1,
par. *j*, re-
enacted;
par. *n*
(1939,
2nd Sess.,
c. 4, s. 1),
repealed.

- (*j*) the amounts allowed as exemptions, by way of charitable and patriotic donations, under the *Income War Tax Act* (Canada) for the corresponding period.

3. *The Income Tax Act* (Ontario) is amended by adding thereto the following section:

Rev. Stat.,
c. 25,
amended.

8a.—(1) Notwithstanding anything contained in this Act and for the purpose of preventing duplication of taxation—

Duplica-
tion of
taxation—
prevention
of.

- (*a*) where a person moves his residence from Ontario to another province or territory of Canada and such person is not living in Ontario on the 31st day of December, he shall be deemed not to have resided in Ontario during any part of the year ending on such 31st day of December, provided that by the laws of the province or territory in which he resides on the 31st day of December a provision reciprocal to this clause is in force, ~~or~~
- (*b*) where a person has resided in Ontario during any part of a year and in another province or territory of Canada during the balance of such year, such person shall be taxed on his whole income and such tax shall be reduced in that proportion which the number of days in which he resided in such other province or territory bears to three hundred and sixty-five, provided that by the laws of the province or territory in which such person had his residence during the other part of such year a provision reciprocal to this clause is in force, or
- (*c*) where a person not being a resident in Ontario is employed in Ontario his income shall not be taxed, provided that by the laws of the province or territory of Canada in which he does reside a provision reciprocal to this clause is in force.

- (2) If the law of any other province or territory of Canada contains provisions reciprocal to both clauses *a* and *b* of subsection 1, clause *a* shall apply.

- (3) No person shall be deemed to come within the provisions of subsection 1 until he has furnished proof to the satisfaction of the Treasurer as to his place of residence and as to the amount of his income assessed for taxes in such other province or territory of Canada.

Rev. Stat.,
c. 25, s. 48,
amended.

4. Section 48 of *The Income Tax Act* (Ontario) is amended by renumbering the present subsection 2 as subsection 3 and by adding thereto the following subsection:

Alternative
method of
payment.

- (2) If any person pays one-third of the tax estimated in his return of his income in four equal monthly instalments commencing on or before the 31st day of January and ending on or before the 30th day of April in each year, he may pay the balance of such estimated tax in four equal monthly instalments commencing on or before the 31st day of May and ending on or before the 31st day of August of each year without interest, provided that if the prescribed amounts be not paid within the prescribed times the taxpayer shall lose the benefits of this subsection.

Commence-
ment of Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent and its provisions shall be applicable to the income of the year 1940 and all fiscal periods ending therein, and to the income of all subsequent years and fiscal periods.

Short title.

6. This Act may be cited as *The Income Tax Amendment Act, 1941*.



An Act to amend The Income Tax Act
(Ontario).

1st Reading

March 21st, 1941.

2nd Reading

March 31st, 1941

3rd Reading

April 7th, 1941

MR. CONANT

No. 74

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Corporations Tax Act, 1939.

MR. CONANT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 74

1941

BILL

An Act to amend The Corporations Tax Act, 1939.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1939, c. 10,
s. 1, cl. i,
amended.

1. Clause *i* of section 1 of *The Corporations Tax Act, 1939*, is amended by adding at the end thereof the words "fraternal societies and mutual benefit societies as defined in *The Insurance Act*, and pension fund and employees' mutual benefit societies incorporated under or subject to the provisions of *The Companies Act*", so that the said clause shall now read as follows:

"Insurance
company."

(i) "Insurance company" shall include, life, fire, ocean or inland marine, inland transportation, accident, plate-glass, automobile, steam boiler and burglary insurance companies, guaranty, surety and casualty companies and underwriters and syndicates of underwriters operating on the plan known as Lloyds, which transact business or undertake risks on lives or property in Ontario or are licensed under *The Insurance Act* but shall not include mutual insurance companies insuring agricultural and other non-hazardous risks on the premium note plan, whose sole business is carried on in Ontario, fraternal societies and mutual benefit societies as defined in *The Insurance Act*, and pension fund and employees mutual benefit societies incorporated under or subject to the provisions of *The Companies Act*.

Rev. Stat.,
c. 256.

Rev. Stat.,
c. 251.

1939, c. 10,
s. 7, re-
pealed.

2. Section 7 of *The Corporations Tax Act, 1939*, is repealed.

1939, c. 10,
s. 10,
subs. 3,
amended.

3.—(1) Subsection 3 of section 10 of *The Corporations Tax Act, 1939*, is amended by adding thereto the following clause:

(bb) Mutual insurance companies insuring agricultural and other non-hazardous risks on the premium note plan, whose sole business is carried on in Ontario, fraternal societies and mutual benefit societies as

EXPLANATORY NOTES

SECTION 1. This amends the definition of "Insurance Company" so that fraternal societies, mutual benefit societies, pension fund and employees' mutual benefit societies shall not be taxable as Insurance Companies under the Act.

SECTION 2. This repeals the special taxing section respecting telephone companies, thereby causing them to be taxed instead under sections 10, 12 and 14 of The Corporations Tax Act, 1939, as amended.

SECTION 3, subsection 1. This amendment ensures that mutual insurance companies insuring agricultural and other non-hazardous risks on the premium note plan, as well as fraternal societies, mutual benefit societies and pension fund and employees' mutual benefit societies, shall not be taxable under section 10.

defined in *The Insurance Act*, and pension fund and employees' mutual benefit societies incorporated under or subject to the provisions of *The Companies Act*.

1939, c. 10,
s. 10,
subs. 3,
cl. e,
amended.

(2) Clause *e* of subsection 3 of the said section 10 is amended by adding at the end thereof the words "having a paid-up capital of less than \$100,000", so that the said clause shall now read as follows:

Telephone
company.

(e) Any incorporated company owning, operating or using a telephone line or part thereof in Ontario having a paid-up capital of less than \$100,000.

1939, c. 10,
s. 12, subs. 2,
cl. a,
amended.

4.—(1) Clause *a* of subsection 2 of section 12 of *The Corporations Tax Act, 1939*, is amended by inserting after the word "company" in the third line, the words "in Ontario", so that the said clause shall now read as follows:

"Office or
place of
business",—
meaning of.

(a) The head office of an incorporated company except where such office not being the only office of such company in Ontario is maintained merely as a nominal head office, provided that the incorporated company transacts no business at such nominal head office.

1939, c. 10,
s. 12,
subs. 5,
amended.

(2) Subsection 5 of the said section 12 is amended by adding thereto the following clause:

(bb) Mutual insurance companies insuring agricultural and other non-hazardous risks on the premium note plan, whose sole business is carried on in Ontario, fraternal societies and mutual benefit societies as defined in *The Insurance Act*, and pension fund and employees' mutual benefit societies incorporated under or subject to the provisions of *The Companies Act*.

Rev. Stat.,
cc. 256,
251.

1939, c. 10,
s. 12, subs. 5,
cl. h, re-
pealed.

(3) Clause *h* of subsection 5 of the said section 12 is repealed.

1939, c. 10,
s. 12, subs. 5,
amended.

(4) Subsection 5 of the said section 12 is amended by adding thereto the following clause:

(h) Any incorporated company which is organized and operated on a co-operative basis and which—

(i) markets the products of the members or shareholders thereof under the obligation to pay to them the proceeds from the sales on the basis of quantity and quality, less a reasonable amount for expenses and reserves, or

SECTION 3, subsection 2. This amendment exempts telephone companies having a paid-up capital of less than \$100,000 from the tax imposed by section 10.

SECTION 4, subsection 1. This amendment makes it clear that a company must have, besides a nominal office in Ontario, another office in Ontario, before the nominal office is exempted from taxation under section 12.

SECTION 4, subsection 2. This amendment excludes from taxation under section 12 mutual insurance companies insuring agricultural and other non-hazardous risks on the premium note plan, whose sole business is carried on in Ontario, as well as fraternal societies, mutual benefit societies and pension fund and employees' mutual benefit societies.

SECTION 4, subsection 3. This repeals the exemption formerly granted to telephone companies with paid-up capital of \$100,000 or more, and is complementary to the repeal of section 7 of The Corporations Tax Act, 1939, by section 2 of this Bill.

SECTION 4, subsection 4. This exempts any incorporated company which is organized and operated on a co-operative basis, including credit unions, from tax under The Corporations Tax Act, 1939.

- (ii) purchases supplies and equipment for the use of such members or shareholders under the obligation to turn such supplies and equipment over to them at cost, plus a reasonable amount for expenses and reserves, or
- (iii) markets the products of, or purchases supplies and equipment for the use of non-members or non-shareholders thereof, provided that the value thereof does not exceed twenty per centum of the value of products, supplies and equipment marketed or purchased for the members or shareholders, or

(iv) is a credit union.

1939, c. 10,
s. 12, subs. 8,
cl. c, re-
pealed.

(5) Clause c of subsection 8 of the said section 12 is repealed.

1939,
c. 10, s. 14,
subs. 3,
amended.

5.—(1) Subsection 3 of section 14 of *The Corporations Tax Act, 1939*, is amended by adding thereto the following clause:

- (j) Mutual insurance companies insuring agricultural and other non-hazardous risks on the premium note plan, whose sole business is carried on in Ontario, fraternal societies and mutual benefit societies as defined in *The Insurance Act*, and pension fund and employees' mutual benefit societies incorporated under or subject to the provisions of *The Companies Act*.

Rev. Stat.,
cc. 256;
251.

1939,
c. 10, s. 14,
subs. 3,
cl. h,
amended.

(2) Clause h of subsection 3 of the said section 14 is amended by striking out the words "telephone company" in the third and fourth lines, so that the said clause shall now read as follows:

Banks,
insurance
companies,
railways,
etc.

- (h) Any incorporated company paying taxes under this Act as a bank, insurance company, railway company, express company, telegraph company or car company provided that an incorporated company operating a railway and deriving income from the operation of an hotel or hotels shall be taxable as provided by section 15; and

1939,
c. 10, s. 14,
subs. 4,
cl. e,
subcl. ii,
amended.

(3) Subclause ii of clause e of subsection 4 of the said section 14 is amended by striking out the word "other" in the eighth line and by inserting after the word "Canada" in the ninth line, the words "and to the extent that such dividends have been paid from dividends received by such subsidiary company from a company so incorporated, the shares of which, with the exception of directors' qualifying shares, are held by such subsidiary company, to the extent that such second mentioned

SECTION 4, subsection 5. This repeals the former special taxation of companies organized and operated on a co-operative basis, including credit unions, and is complementary to the preceding subsection.

SECTION 5, subsection 1. This exempts from tax imposed by section 14 of The Corporations Tax Act, 1939, mutual insurance companies insuring agricultural and other non-hazardous risks on the premium note plan, whose sole business is carried on in Ontario, as well as fraternal societies, mutual benefit societies and pension fund and employees' mutual benefit societies.

SECTION 5, subsection 2. This excludes from the list of companies exempted from taxation under section 14 of The Corporations Tax Act, 1939, telephone companies, and is complementary to the repeal of section 7 of The Corporations Tax Act, 1939, by section 2 of this Bill.

SECTION 5, subsection 3. This amendment has the effect of allowing a parent company to receive dividends tax-free from its subsidiary, which dividends in turn have been paid from dividends received tax-free by such subsidiary company from its subsidiary, on the principle that the income earned by such sub-subsidiary company has been taxed by this Act or that of another province, and should not again be subject to tax under this Act.

dividends have been paid from net income which has been the subject of tax under the laws of any province or provinces of Canada", so that the said subclause shall now read as follows:

Dividends
from other
companies.

- (ii) from a subsidiary company incorporated under the laws of the Dominion of Canada or of any province of Canada, the shares of which, with the exception of the directors' qualifying shares, are held by the incorporated company, to the extent that such dividends have been paid from net income which has been the subject of tax under the laws of any province or provinces of Canada, and to the extent that such dividends have been paid from dividends received by such subsidiary company from a company so incorporated, the shares of which, with the exception of directors' qualifying shares, are held by such subsidiary company, to the extent that such second mentioned dividends have been paid from net income which has been the subject of tax under the laws of any province or provinces of Canada; provided that the exemption allowed in respect of such dividends or parts of dividends as have been paid from net income which has been the subject of tax at a rate less than that imposed by this section shall be limited to that proportion of such dividends or parts of dividends as the rate of tax paid on such net income bears to the rate of tax imposed under this section.

1939,
c. 10, s. 14,
subs. 7,
amended.

- (4) Subsection 7 of the said section 14 is amended by striking out the words "during" in the fourth line and inserting in lieu thereof the word "for", so that the first paragraph of the said subsection shall now read as follows:

Deduction
from tax
on income.

- (7) An incorporated company shall be entitled to deduct from the tax calculated upon net income which would otherwise be payable by it under this Act the amount of the tax calculated upon net income which was paid or payable for the fiscal year for which tax under this Act is imposed to the government of any province state or country outside of Ontario with the exception of the tax paid to the Dominion of Canada, provided that such deduction shall not at any time exceed, or in the case of any such incorporated company the head office of which is situated outside of Ontario shall neither be less than nor exceed, the amount of the tax which would otherwise be payable in respect of net income derived from sources within each such province, state or country, and provided that the net income derived from sources within each such province, state or country shall be determined in the following manner:

.

SECTION 5, subsection 4. This amendment allows the deduction from the tax otherwise payable under section 14 of The Corporations Tax Act, 1939, calculated on net income earned during one fiscal year, of the amount of tax paid or payable to another province, calculated on net income earned during the same fiscal year, rather than the amount of tax paid or payable to such other province calculated on net income earned during the previous fiscal year.

1939,
c. 10, s. 21,
subs. 2,
amended.

6.—(1) Subsection 2 of section 21 of *The Corporations Tax Act, 1939*, is amended by inserting after the word “secretary” where it occurs in the sixth and eighth lines the words “or any director”, so that the said subsection shall now read as follows:

Demand
for addi-
tional in-
formation.

- (2) If the Treasurer, in order to enable him to make an assessment or for any other purpose, desires any information or additional information, or a return from any company which has not made a return or a complete or sufficient return, he may by registered letter, demand from such company, or from the president, manager, secretary or any director, agent or representative thereof such information, additional information or return and the company, president, manager, secretary or any director, agent or representative upon whom such a demand is made shall deliver to the Treasurer such information, additional information or return within thirty days of the mailing of such registered letter.

1939,
c. 10, s. 21,
subs. 3,
amended.

(2) Subsection 3 of the said section 21 is amended by inserting after the word “secretary” in the third line the words “or any director”, so that the said subsection shall now read as follows:

Production
of letters,
accounts,
etc.

- (3) The Treasurer may, by registered letter, require the production under oath or otherwise, by any such company or the president, manager, secretary or any director, agent or representative of such company, or by any person, partnership, syndicate, trust or company holding or paying or liable to pay any portion of the income of any such company, or by any partner, agent or official of any such person, partnership, syndicate, trust or company, of any letters, accounts, invoices, statements or other documents.

1939, c. 10,
amended.

7. *The Corporations Tax Act, 1939*, is amended by adding thereto the following section:

Agreements
with other
Provinces.

- 41a.**—(1) Notwithstanding anything contained in this Act the Treasurer may, for the purpose of preventing duplication of taxation of any company, enter into an agreement with the Treasurer or other officer of any other province of Canada who is authorized by an Act of such province to enter into such an agreement, providing for the remission, on a reciprocal basis, of taxes required to be paid by such company under this Act and under any Act of such other province imposing taxes of a similar nature.

SECTION 6, subsection 1. This amendment is self-explanatory.

SECTION 6, subsection 2. This amendment is self-explanatory.

SECTION 7. This section provides for an arrangement which may be made between the Treasurer of Ontario and the Treasurer of any other province for the remission on a reciprocal basis of taxes required to be paid by a company under The Corporations Tax Act, 1939, and under the Act of another province imposing taxes of a similar nature.

Approval of
agreement
by Lieu-
tenant-
Governor
in Council.

- (2) Every such agreement shall have the force of law when it is approved by the Lieutenant-Governor in Council and by any authority which is required to approve it under the provisions of the legislation of such other province.

Termina-
tion of
agreement.

- (3) Any such agreement may be terminated by either party thereto giving notice in writing to the other party and every such termination shall be effective in respect of the current fiscal year of the company and all subsequent fiscal years unless it is otherwise agreed between the parties.

1940,
c. 6, s. 6,
subs. 2,
amended.

8. Subsection 2 of section 6 of *The Corporations Tax Amendment Act, 1940*, is amended by striking out the figures and word "1940 and 1941" in the second and third lines and inserting in lieu thereof the words and figures "to and including 1942", by striking out the figures "1941" where they occur in the twenty-sixth and thirty-eighth lines and inserting in lieu thereof the figures "1942", and by striking out the letters "(a)", "(b)" and "(c)" at the commencement of the twenty-seventh, twenty-ninth and thirty-third lines and inserting in lieu thereof the letters "(d)", "(e)" and "(f)", so that the said subsection shall now read as follows:

Application
of subss.
1, 2, 3.

- (2) The provisions of sections 1, 2 and 3 shall apply to companies in respect of all fiscal years ending in 1939 to and including 1942; provided that in respect of all fiscal years of companies ending thereafter no tax shall be payable under section 9a of *The Corporations Tax Act, 1939*, as enacted by this Act, and the word "five" where it appears in the sixth line of subsection 1 of section 14 and in the fourth line of section 15 of the said Act, as amended by this Act, shall be deemed to read "two"; provided further that in respect of the fiscal year of any company which ended in 1939,—

Proviso

Proviso.

- (a) the tax imposed by section 9a of *The Corporations Tax Act, 1939*, as enacted by this Act;
- (b) the difference between the tax imposed by subsection 1 of section 14 of *The Corporations Tax Act, 1939*, and the tax imposed by the said subsection as amended by this Act; and
- (c) the difference between the tax imposed by section 15 of *The Corporations Tax Act, 1939*, and the tax imposed by the said section as amended by this Act,—

SECTION 8. This extends the application of rates of taxes enacted by The Corporations Tax Amendment Act, 1940, to fiscal years which ended in 1942.

shall be reduced by an amount equal to that proportion of the tax or difference, as the case may be, which the number of days of such fiscal year which are in the calendar year 1938 bear to the total number of days of such fiscal year, and provided further that in respect of the fiscal year of any company which ends in 1942,—

- (d) the tax imposed by section 9a of *The Corporations Tax Act, 1939*, as enacted by this Act;
- (e) the difference between the tax imposed by subsection 1 of section 14 of *The Corporations Tax Act, 1939*, and the tax imposed by the said subsection as amended by this Act; and
- (f) the difference between the tax imposed by section 15 of *The Corporations Tax Act, 1939*, and the tax imposed by the said section as amended by this Act,—

shall be reduced by an amount equal to that proportion of the tax or difference, as the case may be, which the number of days of such fiscal year which are in the calendar year 1942 bear to the total number of days of such fiscal year.

Commence-
ment of Act.

9. This Act shall come into force on the day upon which it receives the Royal Assent and sections 1 to 7 shall apply to companies in respect of fiscal years ending in 1940 and subsequent fiscal years.

Short title.

10. This Act may be cited as *The Corporations Tax Amendment Act, 1941*.

BILL

An Act to amend The Corporations
Tax Act, 1939

1st Reading

March 21st, 1941.

2nd Reading

3rd Reading

MR. CONANT

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Corporations Tax Act, 1939.

MR. CONANT

BILL

An Act to amend The Corporations Tax Act, 1939.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1939, c. 10,
s. 1, cl. i,
amended.

1. Clause *i* of section 1 of *The Corporations Tax Act, 1939*, is amended by adding at the end thereof the words "fraternal societies and mutual benefit societies as defined in *The Insurance Act*, and pension fund and employees' mutual benefit societies incorporated under or subject to the provisions of *The Companies Act*", so that the said clause shall now read as follows:

"Insurance
company."

(i) "Insurance company" shall include, life, fire, ocean or inland marine, inland transportation, accident, plate-glass, automobile, steam boiler and burglary insurance companies, guaranty, surety and casualty companies and underwriters and syndicates of underwriters operating on the plan known as Lloyds, which transact business or undertake risks on lives or property in Ontario or are licensed under *The Insurance Act* but shall not include mutual insurance companies insuring agricultural and other non-hazardous risks on the premium note plan, whose sole business is carried on in Ontario, fraternal societies and mutual benefit societies as defined in *The Insurance Act*, and pension fund and employees mutual benefit societies incorporated under or subject to the provisions of *The Companies Act*.

Rev. Stat.,
c. 256.

Rev. Stat.,
c. 251.

1939, c. 10,
s. 7, re-
pealed.

2. Section 7 of *The Corporations Tax Act, 1939*, is repealed.

1939, c. 10,
s. 10,
subs. 3,
amended.

3.—(1) Subsection 3 of section 10 of *The Corporations Tax Act, 1939*, is amended by adding thereto the following clause:

(bb) Mutual insurance companies insuring agricultural and other non-hazardous risks on the premium note plan, whose sole business is carried on in Ontario, fraternal societies and mutual benefit societies as

defined in *The Insurance Act*, and pension fund and employees' mutual benefit societies incorporated under or subject to the provisions of *The Companies Act*.

(2) Clause *e* of subsection 3 of the said section 10 is amended by adding at the end thereof the words "having a paid-up capital of less than \$100,000", so that the said clause shall now read as follows: 1939, c. 10,
s. 10,
subs. 3,
cl. *e*,
amended.

(*e*) Any incorporated company owning, operating or using a telephone line or part thereof in Ontario having a paid-up capital of less than \$100,000. Telephone
company.

4.—(1) Clause *a* of subsection 2 of section 12 of *The Corporations Tax Act*, 1939, is amended by inserting after the word "company" in the third line, the words "in Ontario", so that the said clause shall now read as follows: 1939, c. 10,
s. 12, subs. 2,
cl. *a*,
amended.

(*a*) The head office of an incorporated company except where such office not being the only office of such company in Ontario is maintained merely as a nominal head office, provided that the incorporated company transacts no business at such nominal head office. "Office or
place of
business",—
meaning of.

(2) Subsection 5 of the said section 12 is amended by adding thereto the following clause: 1939, c. 10,
s. 12,
subs. 5,
amended.

(*bb*) Mutual insurance companies insuring agricultural and other non-hazardous risks on the premium note plan, whose sole business is carried on in Ontario, fraternal societies and mutual benefit societies as defined in *The Insurance Act*, and pension fund and employees' mutual benefit societies incorporated under or subject to the provisions of *The Companies Act*. Rev. Stat.,
cc. 256,
251.

(3) Clause *h* of subsection 5 of the said section 12 is repealed. 1939, c. 10,
s. 12, subs. 5,
cl. *h*, re-
pealed.

(4) Subsection 5 of the said section 12 is amended by adding thereto the following clause: 1939, c. 10,
s. 12, subs. 5,
amended.

(*h*) Any incorporated company which is organized and operated on a co-operative basis and which—

(*i*) markets the products of the members or shareholders thereof under the obligation to pay to them the proceeds from the sales on the basis of quantity and quality, less a reasonable amount for expenses and reserves, or

- (ii) purchases supplies and equipment for the use of such members or shareholders under the obligation to turn such supplies and equipment over to them at cost, plus a reasonable amount for expenses and reserves, or
- (iii) markets the products of, or purchases supplies and equipment for the use of non-members or non-shareholders thereof, provided that the value thereof does not exceed twenty per centum of the value of products, supplies and equipment marketed or purchased for the members or shareholders, or
- (iv) is a credit union.

1939, c. 10,
s. 12, subs. 8,
cl. c, re-
pealed.

(5) Clause c of subsection 8 of the said section 12 is repealed.

1939,
c. 10, s. 14,
subs. 3,
amended.

5.—(1) Subsection 3 of section 14 of *The Corporations Tax Act, 1939*, is amended by adding thereto the following clause:

- (j) Mutual insurance companies insuring agricultural and other non-hazardous risks on the premium note plan, whose sole business is carried on in Ontario, fraternal societies and mutual benefit societies as defined in *The Insurance Act*, and pension fund and employees' mutual benefit societies incorporated under or subject to the provisions of *The Companies Act*.

Rev. Stat.,
cc. 256;
251.

1939,
c. 10, s. 14,
subs. 3,
cl. h,
amended.

(2) Clause h of subsection 3 of the said section 14 is amended by striking out the words "telephone company" in the third and fourth lines, so that the said clause shall now read as follows:

Banks,
insurance
companies,
railways,
etc.

- (h) Any incorporated company paying taxes under this Act as a bank, insurance company, railway company, express company, telegraph company or car company provided that an incorporated company operating a railway and deriving income from the operation of an hotel or hotels shall be taxable as provided by section 15; and

1939,
c. 10, s. 14,
subs. 4,
cl. e,
subcl. ii,
amended.

(3) Subclause ii of clause e of subsection 4 of the said section 14 is amended by striking out the word "other" in the eighth line and by inserting after the word "Canada" in the ninth line, the words "and to the extent that such dividends have been paid from dividends received by such subsidiary company from a company so incorporated, the shares of which, with the exception of directors' qualifying shares, are held by such subsidiary company, to the extent that such second mentioned

dividends have been paid from net income which has been the subject of tax under the laws of any province or provinces of Canada", so that the said subclause shall now read as follows:

- (ii) from a subsidiary company incorporated under the laws of the Dominion of Canada or of any province of Canada, the shares of which, with the exception of the directors' qualifying shares, are held by the incorporated company, to the extent that such dividends have been paid from net income which has been the subject of tax under the laws of any province or provinces of Canada, and to the extent that such dividends have been paid from dividends received by such subsidiary company from a company so incorporated, the shares of which, with the exception of directors' qualifying shares, are held by such subsidiary company, to the extent that such second mentioned dividends have been paid from net income which has been the subject of tax under the laws of any province or provinces of Canada; provided that the exemption allowed in respect of such dividends or parts of dividends as have been paid from net income which has been the subject of tax at a rate less than that imposed by this section shall be limited to that proportion of such dividends or parts of dividends as the rate of tax paid on such net income bears to the rate of tax imposed under this section.

(4) Subsection 7 of the said section 14 is amended by striking out the words "during" in the fourth line and inserting in lieu thereof the word "for", so that the first paragraph of the said subsection shall now read as follows:

- (7) An incorporated company shall be entitled to deduct from the tax calculated upon net income which would otherwise be payable by it under this Act the amount of the tax calculated upon net income which was paid or payable for the fiscal year for which tax under this Act is imposed to the government of any province state or country outside of Ontario with the exception of the tax paid to the Dominion of Canada, provided that such deduction shall not at any time exceed, or in the case of any such incorporated company the head office of which is situated outside of Ontario shall neither be less than nor exceed, the amount of the tax which would otherwise be payable in respect of net income derived from sources within each such province, state or country, and provided that the net income derived from sources within each such province, state or country shall be determined in the following manner:

.

1939,
c. 10, s. 21,
subs. 2,
amended.

6.—(1) Subsection 2 of section 21 of *The Corporations Tax Act, 1939*, is amended by inserting after the word “secretary” where it occurs in the sixth and eighth lines the words “or any director”, so that the said subsection shall now read as follows:

Demand
for addi-
tional in-
formation.

- (2) If the Treasurer, in order to enable him to make an assessment or for any other purpose, desires any information or additional information, or a return from any company which has not made a return or a complete or sufficient return, he may by registered letter, demand from such company, or from the president, manager, secretary or any director, agent or representative thereof such information, additional information or return and the company, president, manager, secretary or any director, agent or representative upon whom such a demand is made shall deliver to the Treasurer such information, additional information or return within thirty days of the mailing of such registered letter.

1939,
c. 10, s. 21,
subs. 3,
amended.

(2) Subsection 3 of the said section 21 is amended by inserting after the word “secretary” in the third line the words “or any director”, so that the said subsection shall now read as follows:

Production
of letters,
accounts,
etc.

- (3) The Treasurer may, by registered letter, require the production under oath or otherwise, by any such company or the president, manager, secretary or any director, agent or representative of such company, or by any person, partnership, syndicate, trust or company holding or paying or liable to pay any portion of the income of any such company, or by any partner, agent or official of any such person, partnership, syndicate, trust or company, of any letters, accounts, invoices, statements or other documents.

1939, c. 10,
amended.

7. *The Corporations Tax Act, 1939*, is amended by adding thereto the following section:

Agreements
with other
Provinces.

- 41a.**—(1) Notwithstanding anything contained in this Act the Treasurer may, for the purpose of preventing duplication of taxation of any company, enter into an agreement with the Treasurer or other officer of any other province of Canada who is authorized by an Act of such province to enter into such an agreement, providing for the remission, on a reciprocal basis, of taxes required to be paid by such company under this Act and under any Act of such other province imposing taxes of a similar nature.

- (2) Every such agreement shall have the force of law when it is approved by the Lieutenant-Governor in Council and by any authority which is required to approve it under the provisions of the legislation of such other province. Approval of agreement by Lieutenant-Governor in Council.
- (3) Any such agreement may be terminated by either party thereto giving notice in writing to the other party and every such termination shall be effective in respect of the current fiscal year of the company and all subsequent fiscal years unless it is otherwise agreed between the parties. Termination of agreement.

8. Subsection 2 of section 6 of *The Corporations Tax Amendment Act, 1940*, is amended by striking out the figures and word "1940 and 1941" in the second and third lines and inserting in lieu thereof the words and figures "to and including 1942", by striking out the figures "1941" where they occur in the twenty-sixth and thirty-eighth lines and inserting in lieu thereof the figures "1942", and by striking out the letters "(a)", "(b)" and "(c)" at the commencement of the twenty-seventh, twenty-ninth and thirty-third lines and inserting in lieu thereof the letters "(d)", "(e)" and "(f)", so that the said subsection shall now read as follows: 1940, c. 6, s. 6, subs. 2, amended.

- (2) The provisions of sections 1, 2 and 3 shall apply to companies in respect of all fiscal years ending in 1939 to and including 1942; provided that in respect of all fiscal years of companies ending thereafter no tax shall be payable under section 9a of *The Corporations Tax Act, 1939*, as enacted by this Act, and the word "five" where it appears in the sixth line of subsection 1 of section 14 and in the fourth line of section 15 of the said Act, as amended by this Act, shall be deemed to read "two"; provided further that in respect of the fiscal year of any company which ended in 1939,— Application of subss. 1, 2, 3.
- (a) the tax imposed by section 9a of *The Corporations Tax Act, 1939*, as enacted by this Act; Proviso
- (b) the difference between the tax imposed by subsection 1 of section 14 of *The Corporations Tax Act, 1939*, and the tax imposed by the said subsection as amended by this Act; and Proviso.
- (c) the difference between the tax imposed by section 15 of *The Corporations Tax Act, 1939*, and the tax imposed by the said section as amended by this Act,—

shall be reduced by an amount equal to that proportion of the tax or difference, as the case may be, which the number of days of such fiscal year which are in the calendar year 1938 bear to the total number of days of such fiscal year, and provided further that in respect of the fiscal year of any company which ends in 1942,—

- (d) the tax imposed by section 9a of *The Corporations Tax Act, 1939*, as enacted by this Act;
- (e) the difference between the tax imposed by subsection 1 of section 14 of *The Corporations Tax Act, 1939*, and the tax imposed by the said subsection as amended by this Act; and
- (f) the difference between the tax imposed by section 15 of *The Corporations Tax Act, 1939*, and the tax imposed by the said section as amended by this Act,—

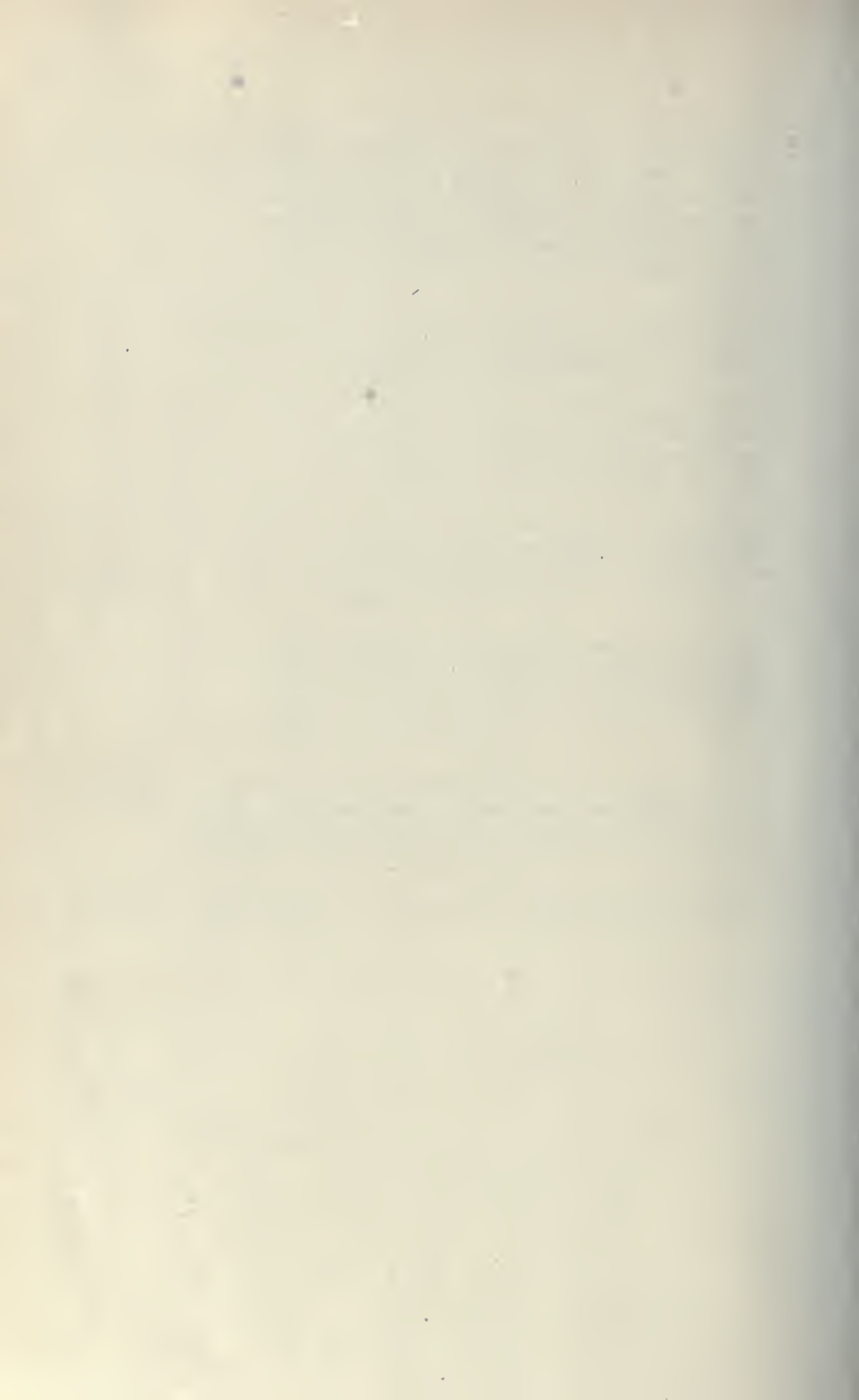
shall be reduced by an amount equal to that proportion of the tax or difference, as the case may be, which the number of days of such fiscal year which are in the calendar year 1942 bear to the total number of days of such fiscal year.

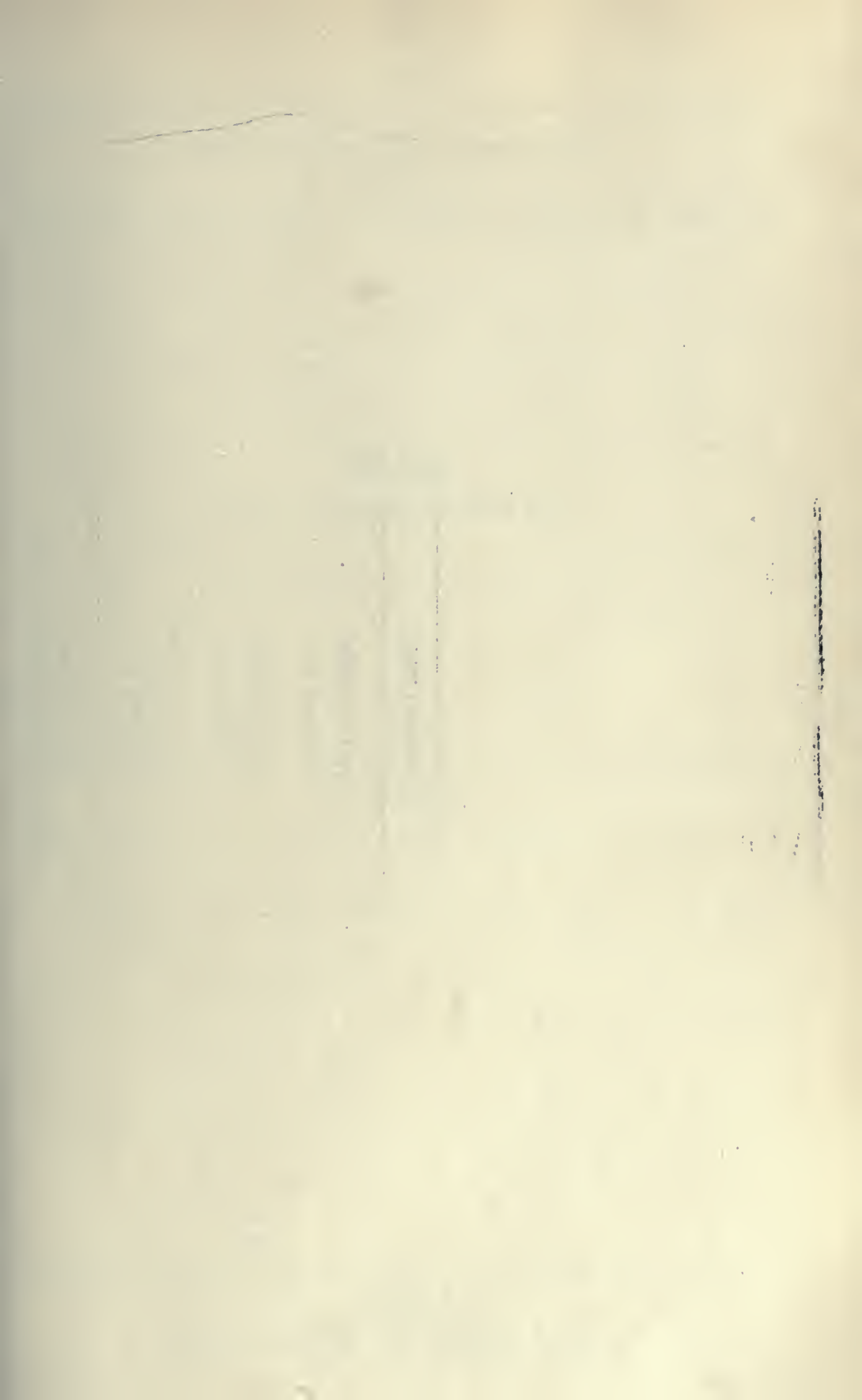
Commence-
ment of Act.

9. This Act shall come into force on the day upon which it receives the Royal Assent and sections 1 to 7 shall apply to companies in respect of fiscal years ending in 1940 and subsequent fiscal years.

Short title.

10. This Act may be cited as *The Corporations Tax Amendment Act, 1941*.





BILL

An Act to amend The Corporations
Tax Act, 1939

1st Reading

March 21st, 1941.

2nd Reading

April 4th, 1941

3rd Reading

April 8th, 1941

MR. CONANT

No. 75

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Bees Act.

MR. DEWAN

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Bees Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows—

Rev. Stat.,
c. 348, s. 3,
subs. 1,
amended.

1. Subsection 1 of section 3 of *The Bees Act* is amended by striking out the words "so long as he can prove his right of property therein" in the second and third lines and by striking out the word "beforehand" in the sixth line and inserting in lieu thereof the words "before claiming any such bees" so that the said subsection shall now read as follows:

Rights of
owner where
bees abandon
their
hives.

- (1) Where a swarm of bees leaves a hive the owner may reclaim them and shall be entitled to take possession of them at any place on which the swarm settles, even if such place be on the land of another person, but the owner shall notify the proprietor of such land before claiming any such bees and compensate him for all damages.

Rev. Stat.,
c. 348, s. 6,
subs. 1,
amended.

2. Subsection 1 of section 6 of *The Bees Act* is repealed and the following substituted therefor:

Use of
poison in
spraying
fruit trees
in bloom
prohibited.

- (1) No person shall spray or dust fruit trees during the period within which such trees are in bloom with a mixture containing any poisonous substance injurious to bees unless almost all the blossoms have fallen from such trees.

Rev. Stat.,
c. 348, s. 8,
subs. 1,
amended.

3.—(1) Subsection 1 of section 8 of *The Bees Act* is amended by striking out the word "April" in the second line and inserting in lieu thereof the word "June" so that the said subsection shall now read as follows:

Certificate
of registra-
tion.

- (1) Every person keeping bees in the Province of Ontario shall on or before the 30th day of June in every year apply to the Minister of Agriculture in writing, signed by the applicant, for a certificate of registration.

EXPLANATORY NOTES

SECTION 1 clarifies the authority of the owner of a swarm of bees to reclaim the bees when they have settled on the property of another person.

SECTION 2 improves the protection afforded to bees from the use of poison in spraying or dusting fruit trees during the blossom period.

SECTION 3 changes the date for applicants to apply for certificates of registration from the 30th day of April to the 30th day of June.

Rev. Stat.,
c. 348, s. 8,
subs. 4,
amended.

(2) Subsection 4 of the said section 8 is amended by striking out the word "April" in the second line and inserting in lieu thereof the word "June" so that the said subsection shall now read as follows:

Application
for registra-
tion after
30th June.

- (4) Where a person commences keeping bees after the 30th day of June in any year, he shall apply for a certificate of registration as hereinbefore provided within ten days after coming into possession of the bees.

Rev. Stat.,
c. 348,
amended.

4. *The Bees Act* is amended by adding thereto the following section:

Permit to
produce
queen bees.

- 8a.—(1) Every person who produces queen bees for the purpose of sale shall on or before the 30th day of June in every year make application to the Minister of Agriculture for a permit.

Form of
application
and permit.

- (2) Every application and permit shall be in the form prescribed by the Minister and every permit shall be subject to such terms and conditions as the Minister may prescribe.

Honey
prohibited
as food for
queen bees.

- (3) No person who produces queen bees for the purpose of sale shall use as food for such bees honey or candy containing honey.

Penalties

- (4) Every person who neglects or refuses to comply with the provisions of this section shall incur a penalty of not more than \$25.

Rev. Stat.,
c. 348, s. 12,
subs. 1,
amended.

5. Subsection 1 of section 12 of *The Bees Act* is amended by inserting after the word "sell" in the second line the words "by auction or otherwise" so that the said subsection shall now read as follows:

Sale of
infected bees
or articles.

- (1) The owner or possessor of an apiary shall not sell, by auction or otherwise, barter, give away or remove from the premises any bees or used apiary appliances or apparatus until he has secured a permit from the Provincial Apiarist that such bees, used apiary appliances or apparatus have been properly disinfected and are free from disease.

Rev. Stat.,
c. 348,
amended.

6. *The Bees Act* is amended by adding thereto the following sections:

Penalty for
molesting or
destroying
apiaries.

21. Every person who molests or wilfully destroys apiaries or who plants any material infected with disease in the vicinity of apiaries shall be guilty of an offence and liable to a penalty of not more than \$25.

SECTION 4. The new section 8a requires every person who produces queen bees to annually obtain a permit from the Minister of Agriculture. It prohibits the use of honey or candy containing honey as food for queen bees and provides penalties for neglecting or refusing to comply with its provisions.

SECTION 5 clarifies the provisions of the Act requiring a permit to be obtained from the Provincial Apiarist before bees or used appliances may be sold by auction or otherwise.

SECTION 6. Two sections are added to *The Bees Act*.

SECTION 21 provides a penalty for molesting or destroying apiaries or for planting material infected with disease near apiaries.

SECTION 22 provides that no hive of bees shall be placed within 30 feet of the nearest highway, dwelling, or cultivated field unless the hive of bees is separated from the nearest highway, dwelling or cultivated field by a solid wooden fence or hedge of trees at least seven feet in height. A penalty is provided for violating this section.

Position of
hives.

22.—(1) No hives containing bees shall be placed or left within thirty feet of the nearest highway, dwelling or cultivated field.

Exceptions.

(2) The provisions of subsection 1 shall not apply to hives placed or left on lands when the lands are separated from the highway, dwelling or cultivated field by a solid wooden fence or hedge at least seven feet in height and extending at least fifteen feet in both directions from the hives.

Penalties.

(3) Every person who neglects or refuses to comply with the provisions of this section shall incur a penalty of not more than \$25.

Short title.

7. This Act may be cited as *The Bees Amendment Act, 1941*.

BILL

An Act to amend The Bees Act

1st Reading

March 25th, 1941

2nd Reading

3rd Reading

MR. DEWAN

No. 75

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Bees Act.

MR. DEWAN

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Bees Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows—

Rev. Stat.,
c. 348, s. 3,
subs. 1,
amended.

1. Subsection 1 of section 3 of *The Bees Act* is amended by striking out the words "so long as he can prove his right of property therein" in the second and third lines and by striking out the word "beforehand" in the sixth line and inserting in lieu thereof the words "before claiming any such bees" so that the said subsection shall now read as follows:

Rights of
owner where
bees abandon
their
hives.

(1) Where a swarm of bees leaves a hive the owner may reclaim them and shall be entitled to take possession of them at any place on which the swarm settles, even if such place be on the land of another person, but the owner shall notify the proprietor of such land before claiming any such bees and compensate him for all damages.

Rev. Stat.,
c. 348, s. 6,
subs. 1,
amended.

2. Subsection 1 of section 6 of *The Bees Act* is repealed and the following substituted therefor:

Use of
poison in
spraying
fruit trees
in bloom
prohibited.

(1) No person shall spray or dust fruit trees during the period within which such trees are in bloom with a mixture containing any poisonous substance injurious to bees unless almost all the blossoms have fallen from such trees.

Rev. Stat.,
c. 348, s. 8,
subs. 1,
amended.

3.—(1) Subsection 1 of section 8 of *The Bees Act* is amended by striking out the word "April" in the second line and inserting in lieu thereof the word "June" so that the said subsection shall now read as follows:

Certificate
of registra-
tion.

(1) Every person keeping bees in the Province of Ontario shall on or before the 30th day of June in every year apply to the Minister of Agriculture in writing, signed by the applicant, for a certificate of registration.

(2) Subsection 4 of the said section 8 is amended by striking out the word "April" in the second line and inserting in lieu thereof the word "June" so that the said subsection shall now read as follows: Rev. Stat., c. 348, s. 8, subs. 4, amended.

- (4) Where a person commences keeping bees after the 30th day of June in any year, he shall apply for a certificate of registration as hereinbefore provided within ten days after coming into possession of the bees. Application for registration after 30th June.

4. *The Bees Act* is amended by adding thereto the following section: Rev. Stat., c. 348, amended.

- 8a.—(1) Every person who produces queen bees for the purpose of sale shall on or before the 30th day of June in every year make application to the Minister of Agriculture for a permit. Permit to produce queen bees.
- (2) Every application and permit shall be in the form prescribed by the Minister and every permit shall be subject to such terms and conditions as the Minister may prescribe. Form of application and permit.
- (3) No person who produces queen bees for the purpose of sale shall use as food in any cages of such bees honey or candy containing honey. Honey prohibited as food for queen bees.
- (4) Every person who neglects or refuses to comply with the provisions of this section shall incur a penalty of not more than \$25. Penalties

5. Subsection 1 of section 12 of *The Bees Act* is amended by inserting after the word "sell" in the second line the words "by auction or otherwise" so that the said subsection shall now read as follows: Rev. Stat., c. 348, s. 12, subs. 1, amended.

- (1) The owner or possessor of an apiary shall not sell, by auction or otherwise, barter, give away or remove from the premises any bees or used apiary appliances or apparatus until he has secured a permit from the Provincial Apiarist that such bees, used apiary appliances or apparatus have been properly disinfected and are free from disease. Sale of infected bees or articles.

6. *The Bees Act* is amended by adding thereto the following sections: Rev. Stat., c. 348, amended.

21. Every person who molests or wilfully destroys apiaries or who plants any material infected with disease in the vicinity of apiaries shall be guilty of an offence and liable to a penalty of not more than \$25. Penalty for molesting or destroying apiaries.

Position of
hives.

22.—(1) No hives containing bees shall be placed or left within thirty feet of the nearest highway, dwelling or cultivated field.

Exceptions.

(2) The provisions of subsection 1 shall not apply to hives placed or left on lands when the lands are separated from the highway, dwelling or cultivated field by a solid wooden fence or hedge at least seven feet in height and extending at least fifteen feet in both directions from the hives.

Penalties.

(3) Every person who neglects or refuses to comply with the provisions of this section shall incur a penalty of not more than \$25.

Short title.

7. This Act may be cited as *The Bees Amendment Act, 1941*.



BILL

An Act to amend The Bees Act

1st Reading

March 25th, 1941

2nd Reading

March 28th, 1941

3rd Reading

April 1st, 1941

MR. DEWAN

No. 76

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Milk Control Act.

MR. DEWAN

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 76

1941

BILL

An Act to amend The Milk Control Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 76, s. 13,
subs. 2, re-
enacted.

1. Subsection 2 of section 13 of *The Milk Control Act* is repealed and the following substituted therefor:

Representa-
tive of
consumers.

- (2) The council of any local municipality may by by-law appoint a representative of the milk consumers within such municipality and upon the filing of a certified copy of such by-law with the board, the representative shall, before any agreement affecting milk prices payable by the consumers within such municipality is approved, be entitled to appear before the board or any person authorized by the board to make inquiry.

Informa-
tion to be
furnished
to repre-
sentative.

- (2a) The board shall furnish to any representative appointed under subsection 2, information in the possession of the board which is not of a confidential nature respecting the production, transportation, processing and distribution of milk sold within the municipality when so requested by the representative.

Rev. Stat.,
c. 76, s. 14,
re-enacted.

2. Section 14 of *The Milk Control Act* is repealed and the following substituted therefor:

Establish-
ment of
fund for
producers'
associations.

14. Where the board receives from an association of milk producers who are engaged in supplying milk to distributors or processors in any municipality or municipalities, a petition requesting that for the purpose of defraying the expenses of such association, every producer engaged in supplying milk to distributors or processors in such municipality or municipalities be required to pay fees, the board may, if it is of opinion that such association is fairly representative of the producers so engaged, make an order,—

EXPLANATORY NOTES

The purpose of the Bill is to clarify and improve two existing sections of the Act which are expressed in general terms.

SECTION 1. Subsection 2 of section 13 which provides for the appointment of a consumers' representative by a municipal council is replaced by two subsections, which provide for the mode of proving the appointment of any such representative and prescribe his rights to receive information from the Milk Control Board.

SECTION 2. The section which permits the establishment of a fund for the purpose of carrying out any scheme for processing and marketing milk is replaced by a section providing for the payment of fees by producers to defray the expenses of a producers' association.

- (a) requiring every producer so engaged to pay to the association fees in different amounts and fixing the amounts of such fees;
- (b) requiring every distributor and processor who receives milk from any such producer to deduct the amount of the fees of such producer from moneys payable to the producer and to pay such amount to the association; and
- (c) requiring the association to furnish information and financial statements to the board.

Short title.

3. This Act may be cited as *The Milk Control Amendment Act, 1941*.

BILL

An Act to amend The Milk Control Act.

1st Reading

March 25th, 1941

2nd Reading

3rd Reading

MR. DEWAN

No. 76

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Milk Control Act.

MR. DEWAN

*(Reprinted as amended in Committee
of the Whole House.)*

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Milk Control Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 76, s. 13,
subs. 2, re-
enacted.

1. Subsection 2 of section 13 of *The Milk Control Act* is repealed and the following substituted therefor:

Representa-
tive of
consumers.

(2) The council of any local municipality may by by-law appoint a representative of the milk consumers within such municipality and upon the filing of a certified copy of such by-law with the board, the representative shall, before any agreement affecting milk prices payable by the consumers within such municipality is approved, be entitled to appear before the board or any person authorized by the board to make inquiry.

Informa-
tion to be
furnished
to repre-
sentative.

(2a) The board shall furnish to any representative appointed under subsection 2, information in the possession of the board respecting the production, transportation, processing and distribution of milk sold within the municipality when so requested by the representative.

Short title.

2. This Act may be cited as *The Milk Control Amendment Act, 1941*.

EXPLANATORY NOTES

SECTION 1. Subsection 2 of section 13 which provides for the appointment of a consumers' representative by a municipal council is replaced by two subsections, which provide for the mode of proving the appointment of any such representative and prescribe his rights to receive information from the Milk Control Board.

BILL

An Act to amend The Milk Control Act.

1st Reading

March 25th, 1941

2nd Reading

April 4th, 1941

3rd Reading

MR. DEWAN

*(Reprinted as amended in Committee
of the Whole House.)*

No. 76

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Milk Control Act.

MR. DEWAN

TORONTO
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No. 76

1941

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Rev. Stat.,
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subs. 2, re-
enacted.

1. Subsection 2 of section 13 of *The Milk Control Act* is repealed and the following substituted therefor:

Representa-
tive of
consumers.

- (2) The council of any local municipality may by by-law appoint a representative of the milk consumers within such municipality and upon the filing of a certified copy of such by-law with the board, the representative shall, before any agreement affecting milk prices payable by the consumers within such municipality is approved, be entitled to appear before the board or any person authorized by the board to make inquiry.

Informa-
tion to be
furnished
to repre-
sentative.

- (2a) The board shall furnish to any representative appointed under subsection 2, information in the possession of the board respecting the production, transportation, processing and distribution of milk sold within the municipality when so requested by the representative.

Short title.

2. This Act may be cited as *The Milk Control Amendment Act, 1941*.

BILL

An Act to amend The Milk Control Act.

1st Reading

March 25th, 1941

2nd Reading

April 4th, 1941

3rd Reading

April 8th, 1941

MR. DEWAN

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1940

BILL

The School Law Amendment Act, 1941.

MR. NIXON (Brant)

BILL

The School Law Amendment Act, 1941.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 359, s. 3,
amended.

1. Section 3 of *The Continuation Schools Act* is amended by adding thereto the following subsections:

Powers of
continuation
school
board.

(2a) The board shall have, in respect of such continuation school, the same powers as a high school board to provide for the transportation of resident and county pupils.

(5a) The committee shall have the same powers as are vested in a board under subsections 2 and 2a.

Rev. Stat.,
c. 359, s. 5,
subs. 1a,
(1938,
c. 35, s. 4,
subs. 2),
amended.

2. Subsection 1a of section 5 of *The Continuation Schools Act*, as enacted by subsection 2 of section 4 of *The School Law Amendment Act, 1938*, is amended by striking out the words and figures "sections 36 and 38" in the second last line and inserting in lieu thereof the word and figures "section 36".

Rev. Stat.,
c. 359, s. 8,
subs. 3,
re-enacted.

3. Subsection 3 of section 8 of *The Continuation Schools Act* is repealed and the following substituted therefor:

(3) Notwithstanding the provisions of subsection 1, the council of the county may deduct from the net cost per pupil-day payable by it in respect of county pupils a sum equal to one-half of the amount by which the net cost per pupil-day as determined in the manner prescribed by section 36 of *The High Schools Act* exceeds the amount arrived at when \$100 is divided by the number of days during which the school is open in the calendar year.

Rev. Stat.,
c. 360.

Rev. Stat.,
c. 359, s. 15,
amended.

4. Section 15 of *The Continuation Schools Act* is amended by inserting after the word "board" in the third line the words "or a committee established under section 3 of this Act", so that the said section shall now read as follows:

EXPLANATORY NOTES

SECTION 1. The powers of a continuation school board to provide for transportation of pupils are prescribed by reference to *The High Schools Act*.

SECTION 2. The reference to section 38 is not applicable.

SECTION 3. The subsection is recast in order to remove doubts as to the manner of determining the deductions to which a county is entitled in respect of the cost of county pupils.

SECTION 4. The amendment removes doubt as to the application of *The Public Schools Act* to committees which are established where more than one public or separate school boards agree to establish and maintain a continuation school.

Application
of Rev. Stat.,
c. 357.

15. Such of the provisions of *The Public Schools Act* in the case of a continuation school under the jurisdiction of a public school board or a committee established under section 3 of this Act as are applicable and are not inconsistent with this Act, shall be read as part of this Act.

Rev. Stat.,
c. 356,
amended.

5. *The Department of Education Act* is amended by adding thereto the following sections:

Closing
schools—
calculation
of grants.

- 8a. The Lieutenant-Governor in Council may order the closing of a school for a specified period provided that for the purpose of calculating legislative and county grants the school shall be deemed to have been open during such period with a daily attendance equal to the average daily attendance for the balance of the school year.

Pupils
engaged in
war work—
calculation
of grants.

- 8b. For the purpose of calculating legislative and county grants, the Minister may authorize the principal of a school to give credit for attendance at such school of pupils who have left school to enlist in His Majesty's navy, army or air force or to become employed in the production of food or other essential war materials, provided that the absence from school of such pupils is in accordance with the regulations.

Rev. Stat.,
c. 356, s. 13,
subs. 8,
repealed.

6. Subsection 8 of section 13 of *The Department of Education Act* is repealed.

Rev. Stat.,
c. 360, s. 6,
amended.

7. Section 6 of *The High Schools Act* is amended by adding thereto the following subsection:

Establish-
ment of
high school
district.

- (4a) The Lieutenant-Governor in Council may establish the whole or any part of an unorganized township or a separated town and the whole or any part of an unorganized township, as a high school district.

Rev. Stat.,
c. 360, s. 36,
subs. 1,
clause b,
amended.

8. Clause *b* of subsection 1 of section 36 of *The High Schools Act* as amended by subsection 2 of section 19 of *The School Law Amendment Act, 1938*, is further amended by inserting after the word "grants" in the second line the words "other than those made for permanent improvements", so that the said clause shall now read as follows:

- (b) Secondly, the total gross current revenues for the same calendar year from legislative grants other than those made for permanent improvements, fees other than those raised by taxation, rents, donations, other than for permanent improvements, and from all other sources except from taxation shall be ascertained.

SECTION 5. The proposed section 8a provides that the Lieutenant-Governor in Council may close a school for a specified period but such action shall not prejudice the position of such school in calculating legislative and county grants.

The proposed section 8b provides that where pupils enlist or leave school to engage in the production of war materials, as permitted by the regulations, the Minister may direct that such absence shall not be taken into consideration in the calculating of grants.

SECTION 6. The provision which permits a school trustee who is also a merchant or bookseller, to sell books and other articles for the use of the school or of any pupil thereof in the ordinary and regular course of his business, is repealed. The general provisions which prohibit such action will apply.

SECTION 7. The proposed provision is rendered desirable by situations in the northern part of the Province.

SECTION 8. In calculating the net cost of education only those legislative grants which are not made for permanent improvements shall be included.

Rev. Stat.,
c. 360, s. 37,
amended.

9. Section 37 of *The High Schools Act* is amended by adding thereto the following subsection:

Cost of
education
of county
pupils.

- (2) The cost of education of county pupils which shall be borne by or levied in a town or village forming part of a county and having a population of not less than 1,200 or a portion of a township forming part of a county which is not included in a high school district or a grade A or grade B continuation school section and has a population of not less than 4,000 shall be only the cost of education of those county pupils which is payable by the county in respect of county pupils who are residents or whose parents or guardians are residents of such town, village or township.

Rev. Stat.,
c. 360, s. 38,
subs. 1,
amended.

10. Subsection 1 of section 38 of *The High Schools Act* is amended by inserting at the commencement thereof the words "subject to the provisions of subsection 2 of section 37", so that the said subsection, exclusive of the clauses, shall now read as follows:

Cost of
education
of county
pupils,—
how to be
provided.

- (1) Subject to the provisions of subsection 2 of section 37 the cost of education of county pupils to be paid by the council of a county shall be provided, borne, calculated, and as part of the county rates be levied in the following municipalities and in the following manner:

.

Rev. Stat.,
c. 360, s. 39,
re-enacted.

11. Section 39 of *The High Schools Act* is repealed and the following substituted therefor:

39. Notwithstanding the provisions of sections 35, 36 and 38, the council of a county may deduct from the net cost per pupil-day payable by it in respect of county pupils a sum equal to one-half of the amount by which the net cost per pupil-day, as determined in the manner prescribed by section 36, exceeds the amount arrived at when \$125, in the case of a high school, and \$150, in the case of a vocational school or vocational department of a high school, is divided by the number of days during which the school is open in the calendar year.

Rev. Stat.,
c. 360, s. 47,
subs. 1a,
(1938,
c. 35, s. 24,
subs. 1),
amended.

12. Subsection 1a of section 47 of *The High Schools Act* as enacted by subsection 1 of section 24 of *The School Law Amendment Act, 1938*, is amended by striking out the words and figures "sections 36 and 38" at the end of the said subsection, and inserting in lieu thereof the word and figures "section 36".

SECTIONS 9 and 10. The townships, villages and towns referred to in section 37 shall be levied against by the county for only their share of the cost of education of their resident pupils who attend county schools.

SECTION 11. The section is recast in order to remove doubts as to the manner of determining deductions to which a county is entitled in respect of the cost of county pupils.

SECTION 12. The reference to section 38 does not apply.

Rev. Stat.,
c. 357, s. 15,
amended.

13. Section 15 of *The Public Schools Act* is amended by adding thereto the following subsection:

Mileage
allowance.

- (14) The board of school trustees for a township school area may pay to each trustee a mileage allowance not exceeding seven cents for each mile necessarily travelled by him in going to the meetings of the board from his home and in returning to his home, provided that no such allowance shall be paid in respect of more than eight meetings in any year.

Rev. Stat.,
c. 257, s. 39,
subs. 1,
amended.

14.—(1) Subsection 1 of section 39 of *The Public Schools Act* is amended by adding at the end thereof the words "provided that upon the recommendation of the assessors, and with the approval of the Minister, an equalization of assessments of a union school section may be made in any year", so that the said subsection shall now read as follows:

Assessors to
determine
proportion of
maintenance.

- (1) As often as the assessment of the part of a union section situate in one municipality has increased or decreased to the extent of ten per centum of the amount of its assessment at the date of the last equalization of assessments and has maintained such increased or decreased assessment for the second consecutive year, and, in any case, at the expiration of five years from the last equalization of assessments, the assessors of the municipalities in which a union section is situate shall, after they have completed their respective assessments and before the 1st day of June, meet and determine what proportion of the annual requisition made by the board for school purposes shall be levied upon and collected from the taxable property of the public school supporters of the union section situate in each of the municipalities in which such section lies, provided that upon the recommendation of the assessors, and with the approval of the Minister, an equalization of assessments of a union school section may be made in any year.

Rev. Stat.,
c. 357, s. 39,
amended.

(2) The said section 39 is amended by adding thereto the following subsection:

Police
village.

- (1a) Where a police village is a part of a union school section the assessors may equalize the assessment of the police village in the same manner as they would equalize the assessment of a separate municipality.

Rev. Stat.,
c. 357, s. 44,
amended.

15.—(1) Section 44 of *The Public Schools Act* is amended by adding thereto the following subsections:

SECTION 13. Provision is made for the payment of mileage allowance to township school area trustees for attending not more than eight meetings in each year. The larger school area over which the township board has jurisdiction may require members of the board to travel long distances.

SECTION 14—Subsection 1. The amendment permits an equalization of assessment to be made in any year where the assessors so recommend and the Minister approves.

Subsection 2. In equalizing the assessment of a union school section containing a police village, the assessors may treat the police village as a separate municipality.

SECTION 15. In school sections in unorganized townships an appeal upon assessment is given from the court of revision to the district judge.

Appeal.

- (8a) An appeal to the district judge shall lie at the instance of the board, the assessor or any person assessed, not only against a decision of the court of revision on an appeal to the said court, but also against any omission, neglect or refusal of the said court to hear or decide an appeal, and the provisions of sections 76 to 81 of *The Assessment Act* shall apply *mutatis mutandis* to every such appeal, provided that the decision of the district judge shall be final and there shall be no appeal therefrom.

Rev. Stat.,
c. 272.

Expenses
of judge.

- (8b) The district judge shall be entitled to receive from the board as his expenses for holding court for the purpose of hearing appeals from the court of revision under this section except where court is held in the district town, the same sums as he is allowed for holding courts for revising voters' lists.

Rev. Stat.,
c. 357, s. 44,
subs. 9,
amended.

- (2) Subsection 9 of the said section 44 is amended by inserting at the commencement thereof the words "subject to the provisions of subsection 8a", so that the said subsection shall now read as follows:

Confirmed
roll binding.

- (9) Subject to the provisions of subsection 8a, the roll, as finally passed and signed by the chairman of the court of revision, shall be binding upon the trustees and ratepayers of the section until the roll for the succeeding year is passed and signed as aforesaid.

Rev. Stat.,
c. 357, s. 86,
subs. 3,
amended.

- 16.** Subsection 3 of section 86 of *The Public Schools Act* is amended by inserting after the word "cost" in the fourth line the words "including interest and sinking fund charges", so that the said subsection shall now read as follows:

Average
cost per
pupil—
how com-
puted.

- (3) For the purposes of subsection 2 in computing the average cost per pupil all legislative, county and municipal grants of the preceding year shall be deducted from the gross cost, including interest and sinking fund charges, of maintaining the school during such year, and the net remaining sum shall be divided by the aggregate pupil-day attendance of all pupils for the year to ascertain the net pupil-day cost to the section or urban municipality for such year and the fee payable by a parent or guardian of a non-resident pupil shall not exceed the net pupil-day cost so ascertained, multiplied by the number of days attended by the non-resident pupil as shown in the daily register of the school.

Rev. Stat.,
c. 357, s. 87,
subs. 3,
repealed.

- 17.**—(1) Subsection 3 of section 87 of *The Public Schools Act* is repealed.

SECTION 16. The amendment removes doubt as to the inclusion of interest and sinking fund charges in calculating gross cost of maintenance.

SECTION 17. The section is rearranged in order to more clearly indicate the taxing powers of the board of a rural school section in which the school has been closed.

Rev. Stat.,
c. 366, s. 16,
subs. 1,
cl. b.
(1938, c. 35,
s. 36),
amended.

21. Clause *b* of subsection 1 of section 16 of *The Teachers' and Inspectors' Superannuation Act*, as re-enacted by section 36 of *The School Law Amendment Act, 1938*, is amended by adding at the end thereof the words "and in the same manner in each succeeding triennium", so that the said clause shall now read as follows:

- (b) Three teachers or inspectors who are members of the Ontario Educational Association and contributors to the Fund each of whom shall hold office for a period of three years and shall be elected at the annual meeting of such Association by the teachers and inspectors present and qualified to vote as contributors to the Fund, one of whom shall be elected from and by the secondary school members in 1938, one from and by the public and separate school male members in 1939, and one from and by the public and separate school female members in 1940, and in the same manner in each succeeding triennium.

Commence-
ment of Act.

22. This Act shall come into force on the day upon which it receives the Royal Assent and shall have effect from and after the 1st day of January, 1941.

Short title.

23. This Act may be cited as *The School Law Amendment Act, 1941*.

SECTION 21. The amendment removes doubt that when the terms of the present members of the Teachers' and Inspectors' Superannuation Board expire, new members shall be elected in the same manner.

Bill

The School Law Amendment Act, 1941.

1st Reading

March 25th, 1941

2nd Reading

3rd Reading

MR. NIXON (Brant)

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1940

BILL

The School Law Amendment Act, 1941.

MR. NIXON (Brant)

(Reprinted as amended in Committee of the Whole House.)

BILL

The School Law Amendment Act, 1941.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 359, s. 3,
amended.

1. Section 3 of *The Continuation Schools Act* is amended by adding thereto the following subsections:

Powers of
continuation
school
board.

(2a) The board shall have, in respect of such continuation school, the same powers as a high school board to provide for the transportation of resident and county pupils.

(5a) The committee shall have the same powers as are vested in a board under subsections 2 and 2a.

Rev. Stat.,
c. 359, s. 5,
subs. 1a,
(1938,
c. 35, s. 4,
subs. 2),
amended.

2. Subsection 1a of section 5 of *The Continuation Schools Act*, as enacted by subsection 2 of section 4 of *The School Law Amendment Act, 1938*, is amended by striking out the words and figures "sections 36 and 38" in the second last line and inserting in lieu thereof the word and figures "section 36".

Rev. Stat.,
c. 359, s. 8,
subs. 3,
re-enacted.

3. Subsection 3 of section 8 of *The Continuation Schools Act* is repealed and the following substituted therefor:

(3) Notwithstanding the provisions of subsection 1, the council of the county may deduct from the net cost per pupil-day payable by it in respect of county pupils a sum equal to one-half of the amount by which the net cost per pupil-day as determined in the manner prescribed by section 36 of *The High Schools Act* exceeds the amount arrived at when \$100 is divided by the number of days during which the school is open in the calendar year.

Rev. Stat.,
c. 360.

Rev. Stat.,
c. 359, s. 15,
amended.

4. Section 15 of *The Continuation Schools Act* is amended by inserting after the word "board" in the third line the words "or a committee established under section 3 of this Act", so that the said section shall now read as follows:

EXPLANATORY NOTES

SECTION 1. The powers of a continuation school board to provide for transportation of pupils are prescribed by reference to *The High Schools Act*.

SECTION 2. The reference to section 38 is not applicable.

SECTION 3. The subsection is recast in order to remove doubts as to the manner of determining the deductions to which a county is entitled in respect of the cost of county pupils.

SECTION 4. The amendment removes doubt as to the application of *The Public Schools Act* to committees which are established where more than one public or separate school boards agree to establish and maintain a continuation school.

Application
of Rev. Stat.,
c. 357.

15. Such of the provisions of *The Public Schools Act* in the case of a continuation school under the jurisdiction of a public school board or a committee established under section 3 of this Act as are applicable and are not inconsistent with this Act, shall be read as part of this Act.

Rev. Stat.,
c. 356,
amended.

5. *The Department of Education Act* is amended by adding thereto the following sections:

Closing
schools—
calculation
of grants.

- 8a. The Lieutenant-Governor in Council may order the closing of a school for a specified period provided that for the purpose of calculating legislative and county grants the school shall be deemed to have been open during such period with a daily attendance equal to the average daily attendance for the balance of the school year.

Pupils
engaged in
war work—
calculation
of grants.

- 8b. For the purpose of calculating legislative and county grants, the Minister may authorize the principal of a school to give credit for attendance at such school of pupils who have left school to enlist in His Majesty's navy, army or air force or to become employed in the production of food or other essential war materials, provided that the absence from school of such pupils is in accordance with the regulations.

Rev. Stat.,
c. 360, s. 6,
amended.

6. Section 6 of *The High Schools Act* is amended by adding thereto the following subsection:

Establish-
ment of
high school
district.

- (4a) The Lieutenant-Governor in Council may establish the whole or any part of an unorganized township or a separated town and the whole or any part of an unorganized township, as a high school district.

Rev. Stat.,
c. 360, s. 36,
subs. 1,
clause b,
amended.

7. Clause *b* of subsection 1 of section 36 of *The High Schools Act* as amended by subsection 2 of section 19 of *The School Law Amendment Act, 1938*, is further amended by inserting after the word "grants" in the second line the words "other than those made for permanent improvements", so that the said clause shall now read as follows:

- (b) Secondly, the total gross current revenues for the same calendar year from legislative grants other than those made for permanent improvements, fees other than those raised by taxation, rents, donations, other than for permanent improvements, and from all other sources except from taxation shall be ascertained.

SECTION 5. The proposed section 8a provides that the Lieutenant-Governor in Council may close a school for a specified period but such action shall not prejudice the position of such school in calculating legislative and county grants.

The proposed section 8b provides that where pupils enlist or leave school to engage in the production of war materials, as permitted by the regulations, the Minister may direct that such absence shall not be taken into consideration in the calculating of grants.

SECTION 6. The proposed provision is rendered desirable by situations in the northern part of the Province.

SECTION 7. In calculating the net cost of education only those legislative grants which are not made for permanent improvements shall be included.

Rev. Stat.,
c. 360, s. 37,
amended.

8. Section 37 of *The High Schools Act* is amended by adding thereto the following subsection:

Cost of
education
of county
pupils.

- (2) The cost of education of county pupils which shall be borne by or levied in a town or village forming part of a county and having a population of not less than 1,200 or a portion of a township forming part of a county which is not included in a high school district or a grade A or grade B continuation school section and has a population of not less than 4,000 shall be only the cost of education of those county pupils which is payable by the county in respect of county pupils who are residents or whose parents or guardians are residents of such town, village or township.

Rev. Stat.,
c. 360, s. 38,
subs. 1,
amended.

9. Subsection 1 of section 38 of *The High Schools Act* is amended by inserting at the commencement thereof the words "subject to the provisions of subsection 2 of section 37", so that the said subsection, exclusive of the clauses, shall now read as follows:

Cost of
education
of county
pupils,—
how to be
provided.

- (1) Subject to the provisions of subsection 2 of section 37 the cost of education of county pupils to be paid by the council of a county shall be provided, borne, calculated, and as part of the county rates be levied in the following municipalities and in the following manner:

.

Rev. Stat.,
c. 360, s. 39,
re-enacted.

10. Section 39 of *The High Schools Act* is repealed and the following substituted therefor:

39. Notwithstanding the provisions of sections 35, 36 and 38, the council of a county may deduct from the net cost per pupil-day payable by it in respect of county pupils a sum equal to one-half of the amount by which the net cost per pupil-day, as determined in the manner prescribed by section 36, exceeds the amount arrived at when \$125, in the case of a high school, and \$150, in the case of a vocational school or vocational department of a high school, is divided by the number of days during which the school is open in the calendar year.

Rev. Stat.,
c. 360, s. 47,
subs. 1a,
(1938,
c. 35, s. 24,
subs. 1),
amended.

11. Subsection 1a of section 47 of *The High Schools Act* as enacted by subsection 1 of section 24 of *The School Law Amendment Act, 1938*, is amended by striking out the words and figures "sections 36 and 38" at the end of the said subsection, and inserting in lieu thereof the word and figures "section 36".

SECTIONS 8 and 9. The townships, villages and towns referred to in section 37 shall be levied against by the county for only their share of the cost of education of their resident pupils who attend county schools.

SECTION 10. The section is recast in order to remove doubts as to the manner of determining deductions to which a county is entitled in respect of the cost of county pupils.

SECTION 11. The reference to section 38 does not apply.

Rev. Stat.,
c. 357, s. 15,
amended.

12. Section 15 of *The Public Schools Act* is amended by adding thereto the following subsection:

Mileage
allowance.

- (14) The board of school trustees for a township school area may pay to each trustee a mileage allowance not exceeding seven cents for each mile necessarily travelled by him in going to the meetings of the board from his home and in returning to his home, provided that no such allowance shall be paid in respect of more than eight meetings in any year.

Rev. Stat.,
c. 257, s. 39,
subs. 1,
amended.

13.—(1) Subsection 1 of section 39 of *The Public Schools Act* is amended by adding at the end thereof the words "provided that upon the recommendation of the assessors, and with the approval of the Minister, an equalization of assessments of a union school section may be made in any year", so that the said subsection shall now read as follows:

Assessors to
determine
proportion of
maintenance.

- (1) As often as the assessment of the part of a union section situate in one municipality has increased or decreased to the extent of ten per centum of the amount of its assessment at the date of the last equalization of assessments and has maintained such increased or decreased assessment for the second consecutive year, and, in any case, at the expiration of five years from the last equalization of assessments, the assessors of the municipalities in which a union section is situate shall, after they have completed their respective assessments and before the 1st day of June, meet and determine what proportion of the annual requisition made by the board for school purposes shall be levied upon and collected from the taxable property of the public school supporters of the union section situate in each of the municipalities in which such section lies, provided that upon the recommendation of the assessors, and with the approval of the Minister, an equalization of assessments of a union school section may be made in any year.

Rev. Stat.,
c. 357, s. 39,
amended.

(2) The said section 39 is amended by adding thereto the following subsection:

Police
village.

- (1a) Where a police village is a part of a union school section the assessors may equalize the assessment of the police village in the same manner as they would equalize the assessment of a separate municipality.

Rev. Stat.,
c. 357, s. 44,
amended.

14.—(1) Section 44 of *The Public Schools Act* is amended by adding thereto the following subsections:

SECTION 12. Provision is made for the payment of mileage allowance to township school area trustees for attending not more than eight meetings in each year. The larger school area over which the township board has jurisdiction may require members of the board to travel long distances.

SECTION 13—Subsection 1. The amendment permits an equalization of assessment to be made in any year where the assessors so recommend and the Minister approves.

Subsection 2. In equalizing the assessment of a union school section containing a police village, the assessors may treat the police village as a separate municipality.

SECTION 14. In school sections in unorganized townships an appeal upon assessment is given from the court of revision to the district judge.

Appeal.

(8a) An appeal to the district judge shall lie at the instance of the board, the assessor or any person assessed, not only against a decision of the court of revision on an appeal to the said court, but also against any omission, neglect or refusal of the said court to hear or decide an appeal, and the provisions of sections 76 to 81 of *The Assessment Act* shall apply *mutatis mutandis* to every such appeal, provided that the decision of the district judge shall be final and there shall be no appeal therefrom.

Rev. Stat.,
c. 272.

Expenses
of judge.

(8b) The district judge shall be entitled to receive from the board as his expenses for holding court for the purpose of hearing appeals from the court of revision under this section except where court is held in the district town, the same sums as he is allowed for holding courts for revising voters' lists.

Rev. Stat.,
c. 357, s. 44,
subs. 9,
amended.

(2) Subsection 9 of the said section 44 is amended by inserting at the commencement thereof the words "subject to the provisions of subsection 8a", so that the said subsection shall now read as follows:

Confirmed
roll binding.

(9) Subject to the provisions of subsection 8a, the roll, as finally passed and signed by the chairman of the court of revision, shall be binding upon the trustees and ratepayers of the section until the roll for the succeeding year is passed and signed as aforesaid.

Rev. Stat.,
c. 357, s. 86,
subs. 3,
amended.

15. Subsection 3 of section 86 of *The Public Schools Act* is amended by inserting after the word "cost" in the fourth line the words "including interest and sinking fund charges", so that the said subsection shall now read as follows:

Average
cost per
pupil—
how com-
puted.

(3) For the purposes of subsection 2 in computing the average cost per pupil all legislative, county and municipal grants of the preceding year shall be deducted from the gross cost, including interest and sinking fund charges, of maintaining the school during such year, and the net remaining sum shall be divided by the aggregate pupil-day attendance of all pupils for the year to ascertain the net pupil-day cost to the section or urban municipality for such year and the fee payable by a parent or guardian of a non-resident pupil shall not exceed the net pupil-day cost so ascertained, multiplied by the number of days attended by the non-resident pupil as shown in the daily register of the school.

Rev. Stat.,
c. 357, s. 87,
subs. 3,
repealed.

16.—(1) Subsection 3 of section 87 of *The Public Schools Act* is repealed.

SECTION 15. The amendment removes doubt as to the inclusion of interest and sinking fund charges in calculating gross cost of maintenance.

SECTION 16. The section is rearranged in order to more clearly indicate the taxing powers of the board of a rural school section in which the school has been closed.

Rev. Stat.,
c. 357, s. 87,
amended.

(2) The said section 87 is amended by adding thereto the following subsection:

Fees and
travelling
expenses.

- (6) The board may levy and collect upon the taxable property of the section, such further sum as may be necessary to pay the fees of pupils attending the schools of adjoining urban municipalities or school sections or Indian schools and to pay for the conveyance of the pupils to and from such schools as well as such other sums as the board may deem expedient or as may be required by the Act.

Rev. Stat.,
c. 357, s. 111,
subs. 2,
amended.

17. Subsection 2 of section 111 of *The Public Schools Act*, as amended by section 32 of *The School Law Amendment Act, 1938*, is further amended by inserting after the words added by the amendment of 1938, the words "in which high schools or continuation schools have been established and are maintained", so that the said subsection shall now read as follows:

County to
raise
equivalent
to legisla-
tive grant
for fifth
classes.

- (2) The council of every county shall levy and collect an annual rate upon the taxable property of the whole county, according to the equalized assessments of the municipalities, a sum at least equal to that part of the legislative grant for public and separate school purposes which is apportioned to the schools in the municipality for fifth classes in schools not situated in high school districts or grade A or grade B continuation school sections in which high schools or continuation schools have been established and are maintained, and such sum shall be payable to the boards of the schools receiving such legislative grant in the same proportion as such grant is apportioned.

Rev. Stat.,
c. 357, s. 112,
subs. 3,
amended.

18. Subsection 3 of section 112 of *The Public Schools Act* is amended by striking out the symbol and figures "\$500" in the fourth line and inserting in lieu thereof the symbol and figures "\$600", so that the said subsection shall now read as follows:

Application
of township
grant.

- (3) The sums so levied and collected shall be applied exclusively to teachers' salaries, and payment of sums to boards under this section shall not be made unless the salary of the teacher for the year, in each case, is at least \$600.

Rev. Stat.,
c. 366, s. 1,
cl. e,
amended.

19. Clause e of section 1 of *The Teachers' and Inspectors' Superannuation Act* is amended by adding thereto the following subclause:

- (iv) engaged in Ontario by a board in work demanding the professional qualifications and experience of a teacher.

SECTION 17. The amendment removes any doubt that where high school districts or continuation school sections are mentioned in the section, they include only those in which a high school or continuation school, as the case may be, is maintained.

SECTION 18. A board will not be entitled to a township grant in respect of a teacher's salary unless the salary of such teacher is \$600 which replaces the present figure of \$500. This affects only a small number of public schools whose salaries have not been increased to meet present living conditions.

SECTION 19. The amendment permits any teacher who is engaged by a board in any other capacity than as a teacher to continue as a contributor to the Teachers' and Inspectors' Superannuation Fund.

Rev. Stat.,
c. 366, s. 16,
subs. 1,
cl. b,
(1938, c. 35,
s. 36),
amended.

20. Clause *b* of subsection 1 of section 16 of *The Teachers' and Inspectors' Superannuation Act*, as re-enacted by section 36 of *The School Law Amendment Act, 1938*, is amended by adding at the end thereof the words "and in the same manner in each succeeding triennium", so that the said clause shall now read as follows:

- (b) Three teachers or inspectors who are members of the Ontario Educational Association and contributors to the Fund each of whom shall hold office for a period of three years and shall be elected at the annual meeting of such Association by the teachers and inspectors present and qualified to vote as contributors to the Fund, one of whom shall be elected from and by the secondary school members in 1938, one from and by the public and separate school male members in 1939, and one from and by the public and separate school female members in 1940, and in the same manner in each succeeding triennium.

Commence-
ment of Act.

21. This Act shall come into force on the day upon which it receives the Royal Assent and shall have effect from and after the 1st day of January, 1941.

Short title.

22. This Act may be cited as *The School Law Amendment Act, 1941*.

SECTION 20. The amendment removes doubt that when the terms of the present members of the Teachers' and Inspectors' Superannuation Board expire, new members shall be elected in the same manner.

Bill

The School Law Amendment Act, 1941.

1st Reading

March 25th, 1941

2nd Reading

March 28th, 1941.

3rd Reading

MR. NIXON (Brant)

*(Reprinted as amended in Committee of
the Whole House.)*

No. 77

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1940

BILL

The School Law Amendment Act, 1941.

MR. NIXON (Brant)

BILL

The School Law Amendment Act, 1941.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 359, s. 3,
amended.

1. Section 3 of *The Continuation Schools Act* is amended by adding thereto the following subsections:

Powers of
continuation
school
board.

(2a) The board shall have, in respect of such continuation school, the same powers as a high school board to provide for the transportation of resident and county pupils.

(5a) The committee shall have the same powers as are vested in a board under subsections 2 and 2a.

Rev. Stat.,
c. 359, s. 5,
subs. 1a,
(1938,
c. 35, s. 4,
subs. 2),
amended.

2. Subsection 1a of section 5 of *The Continuation Schools Act*, as enacted by subsection 2 of section 4 of *The School Law Amendment Act, 1938*, is amended by striking out the words and figures "sections 36 and 38" in the second last line and inserting in lieu thereof the word and figures "section 36".

Rev. Stat.,
c. 359, s. 8,
subs. 3,
re-enacted.

3. Subsection 3 of section 8 of *The Continuation Schools Act* is repealed and the following substituted therefor:

(3) Notwithstanding the provisions of subsection 1, the council of the county may deduct from the net cost per pupil-day payable by it in respect of county pupils a sum equal to one-half of the amount by which the net cost per pupil-day as determined in the manner prescribed by section 36 of *The High Schools Act* exceeds the amount arrived at when \$100 is divided by the number of days during which the school is open in the calendar year.

Rev. Stat.,
c. 360.

Rev. Stat.,
c. 359, s. 15,
amended.

4. Section 15 of *The Continuation Schools Act* is amended by inserting after the word "board" in the third line the words "or a committee established under section 3 of this Act", so that the said section shall now read as follows:

15. Such of the provisions of *The Public Schools Act* in the case of a continuation school under the jurisdiction of a public school board or a committee established under section 3 of this Act as are applicable and are not inconsistent with this Act, shall be read as part of this Act. Application of Rev. Stat., c. 357.

5. *The Department of Education Act* is amended by adding thereto the following sections: Rev. Stat., c. 356, amended.

- 8a. The Lieutenant-Governor in Council may order the closing of a school for a specified period provided that for the purpose of calculating legislative and county grants the school shall be deemed to have been open during such period with a daily attendance equal to the average daily attendance for the balance of the school year. Closing schools—calculation of grants.

- 8b. For the purpose of calculating legislative and county grants, the Minister may authorize the principal of a school to give credit for attendance at such school of pupils who have left school to enlist in His Majesty's navy, army or air force or to become employed in the production of food or other essential war materials, provided that the absence from school of such pupils is in accordance with the regulations. Pupils engaged in war work—calculation of grants.

6. Section 6 of *The High Schools Act* is amended by adding thereto the following subsection: Rev. Stat., c. 360, s. 6, amended.

- (4a) The Lieutenant-Governor in Council may establish the whole or any part of an unorganized township or a separated town and the whole or any part of an unorganized township, as a high school district. Establishment of high school district.

7. Clause *b* of subsection 1 of section 36 of *The High Schools Act* as amended by subsection 2 of section 19 of *The School Law Amendment Act, 1938*, is further amended by inserting after the word "grants" in the second line the words "other than those made for permanent improvements", so that the said clause shall now read as follows: Rev. Stat., c. 360, s. 36, subs. 1, clause b, amended.

- (b) Secondly, the total gross current revenues for the same calendar year from legislative grants other than those made for permanent improvements, fees other than those raised by taxation, rents, donations, other than for permanent improvements, and from all other sources except from taxation shall be ascertained.

Rev. Stat.,
c. 360, s. 37,
amended.

8. Section 37 of *The High Schools Act* is amended by adding thereto the following subsection:

Cost of
education
of county
pupils.

- (2) The cost of education of county pupils which shall be borne by or levied in a town or village forming part of a county and having a population of not less than 1,200 or a portion of a township forming part of a county which is not included in a high school district or a grade A or grade B continuation school section and has a population of not less than 4,000 shall be only the cost of education of those county pupils which is payable by the county in respect of county pupils who are residents or whose parents or guardians are residents of such town, village or township.

Rev. Stat.,
c. 360, s. 38,
subs. 1,
amended.

9. Subsection 1 of section 38 of *The High Schools Act* is amended by inserting at the commencement thereof the words "subject to the provisions of subsection 2 of section 37", so that the said subsection, exclusive of the clauses, shall now read as follows:

Cost of
education
of county
pupils,—
how to be
provided.

- (1) Subject to the provisions of subsection 2 of section 37 the cost of education of county pupils to be paid by the council of a county shall be provided, borne, calculated, and as part of the county rates be levied in the following municipalities and in the following manner:

.

Rev. Stat.,
c. 360, s. 39,
re-enacted.

10. Section 39 of *The High Schools Act* is repealed and the following substituted therefor:

39. Notwithstanding the provisions of sections 35, 36 and 38, the council of a county may deduct from the net cost per pupil-day payable by it in respect of county pupils a sum equal to one-half of the amount by which the net cost per pupil-day, as determined in the manner prescribed by section 36, exceeds the amount arrived at when \$125, in the case of a high school, and \$150, in the case of a vocational school or vocational department of a high school, is divided by the number of days during which the school is open in the calendar year.

Rev. Stat.,
c. 360, s. 47,
subs. 1a,
(1938,
c. 35, s. 24,
subs. 1),
amended.

11. Subsection 1a of section 47 of *The High Schools Act* as enacted by subsection 1 of section 24 of *The School Law Amendment Act, 1938*, is amended by striking out the words and figures "sections 36 and 38" at the end of the said subsection, and inserting in lieu thereof the word and figures "section 36".

12. Section 15 of *The Public Schools Act* is amended by adding thereto the following subsection: Rev. Stat.,
c. 357, s. 15,
amended.

- (14) The board of school trustees for a township school area may pay to each trustee a mileage allowance not exceeding seven cents for each mile necessarily travelled by him in going to the meetings of the board from his home and in returning to his home, provided that no such allowance shall be paid in respect of more than eight meetings in any year. Mileage
allowance.

13.—(1) Subsection 1 of section 39 of *The Public Schools Act* is amended by adding at the end thereof the words “provided that upon the recommendation of the assessors, and with the approval of the Minister, an equalization of assessments of a union school section may be made in any year”, so that the said subsection shall now read as follows: Rev. Stat.,
c. 257, s. 39,
subs. 1,
amended.

- (1) As often as the assessment of the part of a union section situate in one municipality has increased or decreased to the extent of ten per centum of the amount of its assessment at the date of the last equalization of assessments and has maintained such increased or decreased assessment for the second consecutive year, and, in any case, at the expiration of five years from the last equalization of assessments, the assessors of the municipalities in which a union section is situate shall, after they have completed their respective assessments and before the 1st day of June, meet and determine what proportion of the annual requisition made by the board for school purposes shall be levied upon and collected from the taxable property of the public school supporters of the union section situate in each of the municipalities in which such section lies, provided that upon the recommendation of the assessors, and with the approval of the Minister, an equalization of assessments of a union school section may be made in any year. Assessors to
determine
proportion of
maintenance.

(2) The said section 39 is amended by adding thereto the following subsection: Rev. Stat.,
c. 357, s. 39,
amended.

- (1a) Where a police village is a part of a union school section the assessors may equalize the assessment of the police village in the same manner as they would equalize the assessment of a separate municipality. Police
village.

14.—(1) Section 44 of *The Public Schools Act* is amended by adding thereto the following subsections: Rev. Stat.,
c. 357, s. 44,
amended.

Appeal.

(8a) An appeal to the district judge shall lie at the instance of the board, the assessor or any person assessed, not only against a decision of the court of revision on an appeal to the said court, but also against any omission, neglect or refusal of the said court to hear or decide an appeal, and the provisions of sections 76 to 81 of *The Assessment Act* shall apply *mutatis mutandis* to every such appeal, provided that the decision of the district judge shall be final and there shall be no appeal therefrom.

Rev. Stat.,
c. 272.

Expenses
of judge.

(8b) The district judge shall be entitled to receive from the board as his expenses for holding court for the purpose of hearing appeals from the court of revision under this section except where court is held in the district town, the same sums as he is allowed for holding courts for revising voters' lists.

Rev. Stat.,
c. 357, s. 44,
subs. 9,
amended.

(2) Subsection 9 of the said section 44 is amended by inserting at the commencement thereof the words "subject to the provisions of subsection 8a", so that the said subsection shall now read as follows:

Confirmed
roll binding.

(9) Subject to the provisions of subsection 8a, the roll, as finally passed and signed by the chairman of the court of revision, shall be binding upon the trustees and ratepayers of the section until the roll for the succeeding year is passed and signed as aforesaid.

Rev. Stat.,
c. 357, s. 86,
subs. 3,
amended.

15. Subsection 3 of section 86 of *The Public Schools Act* is amended by inserting after the word "cost" in the fourth line the words "including interest and sinking fund charges", so that the said subsection shall now read as follows:

Average
cost per
pupil—
how com-
puted.

(3) For the purposes of subsection 2 in computing the average cost per pupil all legislative, county and municipal grants of the preceding year shall be deducted from the gross cost, including interest and sinking fund charges, of maintaining the school during such year, and the net remaining sum shall be divided by the aggregate pupil-day attendance of all pupils for the year to ascertain the net pupil-day cost to the section or urban municipality for such year and the fee payable by a parent or guardian of a non-resident pupil shall not exceed the net pupil-day cost so ascertained, multiplied by the number of days attended by the non-resident pupil as shown in the daily register of the school.

Rev. Stat.,
c. 357, s. 87,
subs. 3,
repealed.

16.—(1) Subsection 3 of section 87 of *The Public Schools Act* is repealed.

(2) The said section 87 is amended by adding thereto the following subsection: Rev. Stat., c. 357, s. 87, amended.

- (6) The board may levy and collect upon the taxable property of the section, such further sum as may be necessary to pay the fees of pupils attending the schools of adjoining urban municipalities or school sections or Indian schools and to pay for the conveyance of the pupils to and from such schools as well as such other sums as the board may deem expedient or as may be required by the Act. Fees and travelling expenses.

17. Subsection 2 of section 111 of *The Public Schools Act*, as amended by section 32 of *The School Law Amendment Act, 1938*, is further amended by inserting after the words added by the amendment of 1938, the words "in which high schools or continuation schools have been established and are maintained", so that the said subsection shall now read as follows: Rev. Stat., c. 357, s. 111, subs. 2, amended.

- (2) The council of every county shall levy and collect an annual rate upon the taxable property of the whole county, according to the equalized assessments of the municipalities, a sum at least equal to that part of the legislative grant for public and separate school purposes which is apportioned to the schools in the municipality for fifth classes in schools not situated in high school districts or grade A or grade B continuation school sections in which high schools or continuation schools have been established and are maintained, and such sum shall be payable to the boards of the schools receiving such legislative grant in the same proportion as such grant is apportioned. County to raise equivalent to legislative grant for fifth classes.

18. Subsection 3 of section 112 of *The Public Schools Act* is amended by striking out the symbol and figures "\$500" in the fourth line and inserting in lieu thereof the symbol and figures "\$600", so that the said subsection shall now read as follows: Rev. Stat., c. 357, s. 112, subs. 3, amended.

- (3) The sums so levied and collected shall be applied exclusively to teachers' salaries, and payment of sums to boards under this section shall not be made unless the salary of the teacher for the year, in each case, is at least \$600. Application of township grant.

19. Clause *e* of section 1 of *The Teachers' and Inspectors' Superannuation Act* is amended by adding thereto the following subclause: Rev. Stat., c. 366, s. 1, cl. e, amended.

- (iv) engaged in Ontario by a board in work demanding the professional qualifications and experience of a teacher.

Rev. Stat.,
c. 366, s. 16,
subs. 1,
cl. b,
(1938, c. 35,
s. 36),
amended.

20. Clause *b* of subsection 1 of section 16 of *The Teachers' and Inspectors' Superannuation Act*, as re-enacted by section 36 of *The School Law Amendment Act, 1938*, is amended by adding at the end thereof the words "and in the same manner in each succeeding triennium", so that the said clause shall now read as follows:

- (b) Three teachers or inspectors who are members of the Ontario Educational Association and contributors to the Fund each of whom shall hold office for a period of three years and shall be elected at the annual meeting of such Association by the teachers and inspectors present and qualified to vote as contributors to the Fund, one of whom shall be elected from and by the secondary school members in 1938, one from and by the public and separate school male members in 1939, and one from and by the public and separate school female members in 1940, and in the same manner in each succeeding triennium.

Commence-
ment of Act.

21. This Act shall come into force on the day upon which it receives the Royal Assent and shall have effect from and after the 1st day of January, 1941.

Short title.

22. This Act may be cited as *The School Law Amendment Act, 1941*.



The School Law Amendment Act, 1941.

1st Reading

March 25th, 1941

2nd Reading

March 28th, 1941.

3rd Reading

April 7th, 1941

Mr. NIXON (Brant)

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1940

BILL

An Act to amend The Municipal Act.

MR. MCQUESTEN

BILL

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 266, s. 53,
subs. 1, cl. o.
sub-cl. i,
amended.

1. Subclause i of clause o of subsection 1 of section 53 of *The Municipal Act* is amended by striking out the words "in cities, towns and villages" in the first and second lines, so that the said subclause shall now read as follows:

- (i) "contract" in this clause includes a contract with public and high school boards and boards of education.

Rev. Stat.,
c. 266, s. 55,
repealed.

2. Section 55 of *The Municipal Act* is repealed.

Rev. Stat.,
c. 266, s. 56,
subs. 7,
amended.

3. Subsection 7 of section 56 of *The Municipal Act* is amended by striking out the word "entitled" in the eighth line and inserting in lieu thereof the word "entitle", so that the said subsection shall now read as follows:

- (7) Where after the voters' list has been finally revised, the clerk is satisfied that the name of a person entitled to be entered thereon under this section has by error been omitted therefrom he may, if such person is entered on the last revised assessment roll and is not otherwise disqualified, issue a certificate (Form 10), authorizing the returning officer or proper deputy returning officer to enter the name of such person on the voters' list to entitle him to vote as if his name had been entered thereon before the list was revised.

Rev. Stat.,
c. 266, s. 113,
amended.

4. Section 113 of *The Municipal Act*, as amended by subsection 2 of section 5 of *The Municipal Amendment Act, 1940*, is amended by adding thereto the following subsection:

- (19) Notwithstanding the provisions of this section, any person who is a member of the naval, military or air forces of Canada and who is entitled to vote at

Where mem-
bers of
army, navy
or air forces
may vote
at advance
poll.

EXPLANATORY NOTES

SECTION 1. At present persons having a contract with a school board or board of education are disqualified from holding municipal office in cities, towns or villages. This amendment extends the present law to all municipalities.

SECTION 2. Section 53 of *The Municipal Act* sets out the classes of persons who are not eligible to be elected to a municipal council, and section 55 sets out the classes of persons who are exempt from being elected to municipal office. The difference between a disqualification and an exemption is that a person disqualified cannot hold office but a person exempt from office though qualified need not. The one is an incapacity or disability, the other a privilege. At one time qualified persons duly elected, refusing to accept office, could, unless exempt, be summarily convicted and punished. The section is obsolete and is repealed.

SECTION 3. Correction of typographical error.

SECTION 4. This provision, which is new, will enable members of the naval, military or air forces of Canada to vote at advance polls at municipal elections in the same circumstances and in the same manner as railwaymen, travelling salesmen and bus and transport drivers.

municipal elections in a municipality to which this section applies and who has reason to believe that he will be absent from the municipality on the day fixed for holding the poll shall be entitled to vote at the poll under this section upon making the following declaration which shall be kept by the deputy returning officer with the other records of the poll:

I,
 (name) (address in the municipality) (addition)
 declare that I am a member of the naval, military or air forces
 of Canada, that I am entitled to vote at this municipal election
 and that I expect in the course of my duty to be absent from
 this municipality on the day fixed for holding the poll, namely,
 the.....day of....., 19.....
 Dated at....., this.....day of....., 19.....
 Witness.....
D.R.O. *Name of voter.*

Rev. Stat.,
c. 266, s. 234,
amended.

5. Section 234 of *The Municipal Act* is amended by adding thereto the following subsections:

Qualifica-
tion.

(3) The council shall appoint as clerk a person who is certified by the Department to be qualified for such office.

Filling
vacancy.

(4) In case of a vacancy in such office the vacancy shall be filled within three months after the occurrence thereof.

Surety bonds.

(5) Non-compliance with subsections 3 and 4 shall not affect or impair any security given by any officer of a municipality for the due and faithful performance of the duties of his office, nor relieve his sureties from liability in case of his default therein.

Rev. Stat.,
c. 266, s. 238,
amended.

6. Section 238 of *The Municipal Act* is amended by adding thereto the following subsections:

Qualifica-
tion.

(2) The council shall appoint as treasurer a person who is certified by the Department to be qualified for such office.

Filling
vacancy.

(3) In case of a vacancy in such office the vacancy shall be filled within three months after the occurrence thereof.

Surety
bonds.

(4) Non-compliance with subsections 2 and 3 shall not affect or impair any security given by any officer of a municipality for the due and faithful performance of the duties of his office, nor relieve his sureties from liability in case of his default therein.

SECTION 5. These new provisions will require municipal clerks hereafter appointed to be persons whose qualifications are certified by the Department of Municipal Affairs and require a vacancy in that office to be filled within three months. *The Department of Municipal Affairs Act* will be amended accordingly.

SECTION 6. These new provisions require municipal treasurers hereafter appointed to be persons whose qualifications are certified by the Department of Municipal Affairs and require a vacancy in that office to be filled within three months. *The Department of Municipal Affairs Act* will be amended accordingly.

Rev. Stat.,
c. 266,
amended.

7. *The Municipal Act* is amended by adding thereto the following section:

License.

250a. The council shall appoint as auditor a person who is licensed by the Department to be a municipal auditor.

Rev. Stat.,
c. 266,
amended.

8. *The Municipal Act* is amended by adding thereto the following section:

Information
as to
gratuities,
retiring
allowances,
pension
plans,
superannua-
tion fund,
etc., to
be given
Department.

265a. The treasurer of every municipality shall before the 30th day of June, 1941, transmit to the Department a statement containing such information as the Department may require in respect of,—

- (a) every gratuity paid or to be paid in the year 1941 under section 264;
- (b) every retiring allowance paid or to be paid in the year 1941 under section 265;
- (c) every grant made or to be made in the year 1941 under paragraph 11 of section 414 in aid of the establishment or maintenance of a superannuation or benefit fund;
- (d) every pension plan entered into under paragraph 41a of section 404 as enacted by subsection 2 of section 23 of *The Municipal Amendment Act, 1939*; and
- (e) every gratuity and retiring allowance paid or to be paid in the year 1941 under the authority of any special Act or otherwise and every pension plan entered into thereunder, and every superannuation or benefit fund established and maintained thereunder.

Rev. Stat.,
c. 266, s. 280,
subs. 6,
amended.

9. Subsection 6 of section 280 of *The Municipal Act* is amended by inserting after the word "by-law" in the tenth line the words "or a question as to securing a supply of electrical power or energy from The Hydro-Electric Power Commission of Ontario", so that the said subsection shall now read as follows:

Publication
of by-law.

- (6) A copy of the proposed by-law, or a statement of the question submitted, as the case may be, shall be published once a week for three successive weeks, together with a notice signed by the clerk stating that the copy is a true copy of a proposed by-law, or a correct statement of the question submitted, as the case may be, and in the case of a by-law that,

SECTION 7. This new provision will require municipal auditors to be persons who are licensed as municipal auditors by the Department of Municipal Affairs. *The Department of Municipal Affairs Act* will be amended accordingly.

SECTION 8. This section, which is new, will enable the Department of Municipal Affairs to obtain the information specified in the section in order that the future policy in respect of such matters may be formulated.

SECTION 9. Clause *a* of paragraph 11 of section 404 of *The Municipal Act* provides that a question as to securing a supply of electrical power from The Hydro-Electric Power Commission shall be submitted to the electors qualified to vote on money by-laws.

The amendment provides that the notice of such question shall state that a tenant who desires to vote must deliver to the municipal clerk a declaration of qualification. This makes the notice similar to that in the case of a money by-law.

if the assent of the electors is obtained to it, it will be taken into consideration by the council after the expiration of one month from the date of the first publication, which date shall also be stated, and in the case of a money by-law, or a question as to securing a supply of electrical power or energy from The Hydro-Electric Power Commission of Ontario, stating that a tenant who desires to vote must deliver to the clerk not later than the tenth day before the day appointed for taking the vote the declaration provided for by subsection 3 of section 283.

Rev. Stat.,
c. 266, s. 404,
para. 16,
re-enacted.

10.—(1) Paragraph 16 of section 404 of *The Municipal Act* is repealed and the following substituted therefor:

Inter-
municipal
fire pro-
tection.

16. For entering into an agreement with any other municipal corporation for the use of the fire brigade of the corporation or of such other municipal corporation upon such terms and conditions and for such remuneration as may be agreed upon.

(a) Notwithstanding any agreement heretofore or hereafter entered into, failure to supply the use of the fire brigade outside the municipality shall not create any liability upon the municipal corporation so failing.

Rev. Stat.,
c. 266, s. 404,
par. 41a,
cl. b,
(1939, c. 30,
s. 23,
subs. 2),
amended.

(2) Clause *b* of paragraph 41a of the said section 404 as enacted by subsection 2 of section 23 of *The Municipal Amendment Act, 1939*, is amended by adding at the end thereof the words "nor shall any by-law passed under this paragraph and approved by the Department be repealed without the approval of the Department", so that the said clause shall now read as follows:

Approval by
Department.

(b) No by-law passed under this paragraph shall become operative until approved by the Department, nor shall any by-law passed under this paragraph and approved by the Department be repealed without the approval of the Department.

Rev. Stat.,
c. 266,
s. 404a,
(1939,
2nd Sess.,
c. 6, s. 6,
1940, c. 18,
s. 12),
amended.

11.—(1) Section 404a of *The Municipal Act* as enacted by section 6 of *The Municipal Amendment Act, 1939* (No. 2), and as amended by *The Municipal Amendment Act, 1940*, is further amended by striking out the words "The Organization of Resources Committee or of such sub-committee thereof as may be designated by the Committee and" in the second, third and fourth lines, so that the said section, exclusive of clauses *a* and *b*, shall now read as follows:

SECTION 10—Subsection 1. At present inter-municipal fire protection agreements may be made between municipalities in the same county. This amendment removes the county restriction and protects the municipality which supplies fire protection services to another municipality from liability for failure to do so.

Subsection 2. At present the by-law establishing a pension plan for municipal employees does not become operative until approved by the Department of Municipal Affairs. The amendment adds the provision that no such by-law shall be repealed without the approval of the Department.

SECTION 11—Subsection 1. This Amendment deletes the reference to The Organization of Resources Committee. It is complementary to the repeal of *The Organization of Resources Act, 1939*.

Supervision of patriotic grants by municipalities will be done by the Department of Municipal Affairs.

Grants for
patriotic
purposes.

404a. Subject to the approval of the Department and to subsection 3 of section 275, by-laws may be passed,—

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Rev. Stat.,
c. 266,
s. 404a,
cl. a,
subcl. iii
(1939,
2nd Sess.,
c. 6, s. 6),
amended.

(2) Subclause iii of clause a of section 404a of *The Municipal Act* as enacted by section 6 of *The Municipal Amendment Act, 1939 (No. 2)*, is amended by striking out the word "and" in the second line.

Rev. Stat.,
c. 266,
s. 404a,
cl. a
(1939,
2nd Sess.,
c. 6, s. 6),
amended.

(3) Clause a of the said section 404a is further amended by adding thereto the following subclauses:

War savings
committees.

(iv) for aiding the establishment or maintenance of local war savings committees;

Civilian
defence
committees.

(v) for aiding the establishment or maintenance of local civilian defence committees; and

Rev. Stat.,
c. 266, s. 405,
para. 33,
amended.

12. Paragraph 33 of section 405 of *The Municipal Act* is amended by inserting after the word "prescribing" in the first line the words "for the whole or any part of the municipality", so that the said paragraph shall now read as follows:

Prescribing
times for
setting fires
and pre-
cautions.

33. For prescribing for the whole or any part of the municipality the times during which fires may be set in the open air, and the precautions to be observed by persons setting out fires.

Rev. Stat.,
c. 266, s. 406,
re-enacted.

13. Section 406 of *The Municipal Act* is repealed and the following substituted therefor:

406.—(1) By laws may be passed by the councils of local municipalities:

Restricted Areas.

Restricting
use of land.

1. For prohibiting the use of land, for or except for such purposes as may be set out in the by-law, within any defined area or areas or abutting on any defined highway or part of a highway.

Restricting
erection or
use of
buildings.

2. For prohibiting the erection or use of buildings, for or except for such purposes as may be set out in the by-law, within any defined area or areas or upon land abutting on any defined highway or part of a highway.

Regulating
construction
of buildings.

3. For regulating the cost or type of construction, the height, bulk, location, character and use of all buildings to be erected or altered within any defined area or areas or upon land abutting on any

Subsections 2 and 3. Self-explanatory.

SECTION 12. Self-explanatory.

SECTION 13. This section of the Bill re-enacts the numerous provisions of *The Municipal Act* which deal with by-laws for restricting the use of land and buildings and for controlling the construction of buildings, and requires the approval of the Ontario Municipal Board to be given to such by-laws.

defined highway or part of a highway, and the proportion of the area of the lot which any such building may occupy, and any such by-law may regulate all or any of such matters.

Acquiring
land.

4. For acquiring vacant land having a frontage less than the minimum frontage prescribed for such area, for the purpose of including such land in such area, and for disposing of such land.

Excepted
lands and
buildings.

- (2) No by-law passed under this section shall apply to any land or building which, on the day of the passing of the by-law, is used or erected for any purpose prohibited by the by-law, so long as it continues to be used for that purpose, nor shall the by-law apply to any building the plans for which have prior to the day of the passing of the by-law been approved by the municipal architect or building inspector, so long as the building when erected is used for the purpose for which it was erected.

Approval by
Municipal
Board.

- (3) No part of any by-law passed under this section shall come into force without the approval of the municipal Board.

Repeal or
amendment.

- (4) No part of any by-law passed under this section and approved by the Municipal Board shall be repealed or amended without the approval of the Municipal Board.

Notice of
application.

- (5) The council shall, in such manner and to such persons as the Municipal Board may direct, give notice of the intention of the council to apply to the Municipal Board for approval of any by-law passed under this section.

Amendment
of by-law
pending
approval.

- (6) Where, after an adjournment of the hearing of an application for approval of any by-law passed under this section and prior to the final hearing of the application, the by-law is amended, the Municipal Board may direct that notice of the application for approval of the amended by-law be given in such manner and to such persons as the Municipal Board may direct, and may approve the amended by-law.

Extent of
approval.

- (7) The Municipal Board may approve any such by-law in whole or in part and as to the whole or any part of any land, area or highway therein defined.

When
approval
effective.

- (8) Such approval shall not become effective until the issue by the Municipal Board of its formal order thereof.

Rev. Stat.,
c. 266, s. 414,
para. 9,
repealed. **14.** Paragraph 9 of section 414 of *The Municipal Act* is repealed.

Rev. Stat.,
c. 266, s. 420,
paras. 2-10,
repealed. **15.—(1)** Paragraphs 2 to 10 of section 420 of *The Municipal Act* are repealed.

Rev. Stat.,
c. 266, s. 420,
para. 14,
amended. **(2)** Paragraph 14 of the said section 420 is amended by inserting after the word "thereof" in the fourth line the words "and for revoking such licenses", by inserting after the word "building" in the fifth line of clause *a* of the said paragraph the words "or place", and by striking out the words "an automobile" in the fifth line of the said clause and inserting in lieu thereof the words "a motor vehicle", so that the said paragraph shall now read as follows:

Public
garages,—
licensing,
etc.
14. For licensing and regulating the owners of public garages, and for fixing the fees for such licenses, and for imposing penalties for breaches of such by-law and for the collection thereof, and for revoking such licenses:

(a) For the purpose of this paragraph, a public garage shall include a building or place where motor vehicles are hired or kept or used for hire or where such vehicles or gasoline or oils are stored or kept for sale, and a building or place used as a motor vehicle repair shop.

Rev. Stat.,
c. 266, s. 421,
repealed. **16.** Section 421 of *The Municipal Act* is repealed.

Rev. Stat.,
c. 266, s. 423,
paras. 1
and 2 re-
pealed. **17.—(1)** Paragraphs 1 and 2 of section 423 of *The Municipal Act* are repealed.

Rev. Stat.,
c. 266, s. 423,
para. 4,
amended. **(2)** Paragraph 4 of the said section 423 is amended by striking out the word "township" in the last line and inserting in lieu thereof the word "municipality", so that the said paragraph shall now read as follows:

Licensing,
regulating,
etc.,
teamsters,
carters,
draymen,
etc.
4. For licensing, regulating and governing teamsters, carters, draymen, drivers and owners of cabs, busses, motor and other vehicles for hire and for establishing the rates or fares to be charged by the owners or drivers of such vehicles for the conveyance of goods or passengers within the municipality.

Rev. Stat.,
c. 266, s. 423,
para. 6,
repealed. **(3)** Paragraph 6 of the said section 423 is repealed.

Rev. Stat.,
c. 266, s. 433,
para. 1, cl. *d*,
amended. **18.** Clause *d* of paragraph 1 of section 433 of *The Municipal Act* is amended by striking out the word "and" where it appears the second time in the last line and by inserting

SECTION 14. This provision for setting apart a residential street and fixing a building line thereon is repealed. The same power is given by the new section 406 as re-enacted by section 13 of this Bill.

SECTION 15—Subsection 1. These provisions for regulating, controlling and prohibiting the use of land or buildings for certain specified business purposes are repealed. The same powers are given by the new section 406 as re-enacted by section 13 of this Bill.

Subsection 2. This amendment enables public garage licenses to be revoked and extends the licensing power to include "open air" motor vehicle repair shops.

SECTION 16. These provisions for restricting the use of land and buildings for apartment houses, garages, incinerators and lumber yards are repealed. The same powers are given by the new section 406 as re-enacted by section 13 of this Bill.

SECTION 17—Subsection 1. Paragraphs 1 and 2 of section 423 of *The Municipal Act* which deal with building lines and passage-ways between residences are repealed as these matters are covered in the new section 406 as re-enacted by section 13 of this Bill.

Subsection 2. "Municipality" is substituted for "township" as the paragraph applies to towns and villages as well as to townships.

Subsection 3. This provision enabling townships to regulate the construction of buildings in restricted zones is repealed. The same power is given by the new section 406 as re-enacted by section 13 of this Bill.

SECTION 18. Paragraph 1 of section 433 of *The Municipal Act* deals with the licensing, etc., of hawkers and pedlars and clause *d* thereof provides that it shall not affect certain other licensing provisions including paragraphs 5 and 6 of section 439 which deal with the licensing, etc., of transient traders. Paragraph 7 of section 439 deals with transient traders also. This amendment provides that paragraph 1 of section 433 shall not affect paragraph 7 of section 439.

after the figure "6" in the last line the word and figure "and 7", so that the said clause shall now read as follows:

Certain
powers
not affected.

- (d) Nothing in this paragraph shall affect the powers to pass by-laws, under sections 408 and 409, paragraph 1 of section 438, and paragraphs 5, 6 and 7 of section 439.

Rev. Stat.,
c. 266, s. 545,
subs. 1,
amended.

19.—(1) Subsection 1 of section 545 of *The Municipal Act* is amended by striking out the words "a constable" in the first line and inserting in lieu thereof the words "one or more constables", so that the said subsection shall now read as follows:

Appoint-
ment of
constables.

- (1) The trustees may appoint one or more constables for the village who shall have the same powers and perform the same duties within the village as a constable appointed by the council of a village.

Rev. Stat.,
c. 266, s. 545,
subs. 2,
amended.

(2) Subsection 2 of the said section 545 is amended by striking out the article "The" in the first line and inserting in lieu thereof the word "Every", so that the said subsection shall now read as follows:

Salary.

- (2) Every constable may be paid by salary or may keep for his own use the fees of his office as the trustees may determine.

Rev. Stat.,
c. 266, s. 545,
subs. 3,
amended.

(3) Subsection 3 of the said section 545 is amended by striking out the article "the" where it occurs the first time in the first line and inserting in lieu thereof the article "a", so that the said subsection shall now read as follows:

When fees
of constable
to belong
to village.

- (3) Where a constable is paid by salary the trustees may require that the fees of his office be paid to the treasurer of the township in which the village is situate or where the village comprises parts of two or more townships to the treasurer of any or either of them for the use of the village.

Rev. Stat.,
c. 266, s. 545,
amended.

(4) The said section 545 is further amended by adding thereto the following subsection:

Equipment.

- (4) The trustees may provide and pay for offices, arms, accoutrements, clothing and other things for the accommodation, use and maintenance of the constable or constables.

Commence-
ment of Act.

20. This Act shall come into force on the day upon which it receives the Royal Assent.

SECTION 19. The purpose of this section of the Bill is to enable the trustees of police villages to engage and equip one or more constables. At present one only may be engaged, which is inadequate in certain police villages.



BILL

An Act to amend The Municipal Act.

1st Reading

March 26th, 1941

2nd Reading

3rd Reading

MR. MCQUESTEN

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Power Commission Insurance Act.

MR. HOUCK

BILL

An Act to amend The Power Commission Insurance Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 67, s. 2,
amended.

1. Section 2 of *The Power Commission Insurance Act* is amended by adding thereto the following subsection:

Power to
amend.

(3) Notwithstanding anything contained in subsection 1 or in any agreement made thereunder, the Commission, with the approval of the Lieutenant-Governor in Council, may enter into further agreements with any such insurance corporation varying, adding to or modifying as the Commission may deem necessary or advisable any agreement entered into under subsection 2 or this subsection and each such further agreement shall be legal, valid and binding upon each municipal authority on behalf of which it is entered into and upon the successors and assigns of such municipal authority.

Commence-
ment of Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

3. This Act may be cited as *The Power Commission Insurance Amendment Act, 1941*.

EXPLANATORY NOTE

Under *The Power Commission Insurance Act* The Hydro-Electric Power Commission of Ontario is authorized to enter into agreements with municipal corporations or commissions distributing electrical power authorizing the Commission to enter into agreements with insurance corporations on behalf of such municipal corporations or commissions. With the approval of the Lieutenant-Governor in Council, such agreements with insurance corporations may provide for pensions and insurance for the employees of such municipal corporations or commissions. The amendment permits further agreements with insurance corporations to be entered into by the Commission with the approval of the Lieutenant-Governor in Council. It is intended that the further agreements will provide for the protection of employees of the municipal corporations or commissions who enlist for war service and will prevent the lapse of their interest in the municipal pension and insurance scheme.

BILL

An Act to amend The Power Commission
Insurance Act.

1st Reading

March 28th, 1941

2nd Reading

3rd Reading

MR. HOUCK

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Power Commission Insurance Act.

MR. HOUCK

BILL

An Act to amend The Power Commission Insurance Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 67, s. 2,
amended.

1. Section 2 of *The Power Commission Insurance Act* is amended by adding thereto the following subsection:

Power to
amend.

- (3) Notwithstanding anything contained in subsection 1 or in any agreement made thereunder, the Commission, with the approval of the Lieutenant-Governor in Council, may enter into further agreements with any such insurance corporation varying, adding to or modifying as the Commission may deem necessary or advisable any agreement entered into under subsection 2 or this subsection and each such further agreement shall be legal, valid and binding upon each municipal authority on behalf of which it is entered into and upon the successors and assigns of such municipal authority.

Commence-
ment of Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

3. This Act may be cited as *The Power Commission Insurance Amendment Act, 1941*.

BILL

An Act to amend The Power Commission
Insurance Act.

1st Reading

March 28th, 1941

2nd Reading

March 31st, 1941

3rd Reading

April 7th, 1941

MR. HOUCK

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Division Courts Act.

MR. CONANT

BILL

An Act to amend The Division Courts Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 107, s. 9,
repealed.

1. Section 9 of *The Division Courts Act* is repealed.

Rev. Stat.,
c. 107, s. 14,
amended.

2. Section 14 of *The Division Courts Act* is amended by adding thereto the following subsection:

May include
adjacent
territory.

(2) The Lieutenant-Governor in Council may include within the limits of a division court of one county, territory in an adjacent county.

Rev. Stat.,
c. 107, s. 41,
subss. 1, 2,
3; s. 42,
repealed.

3.—(1) Subsections 1, 2 and 3 of section 41 and section 42 of *The Division Courts Act* are repealed.

Commence
ment of
subs. 1.

(2) Subsection 1 shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Rev. Stat.,
c. 107,
amended.

4. *The Division Courts Act* is amended by adding thereto the following section:

Third
party.

89a.—(1) Where a defendant claims to be entitled to contribution or indemnity from or any other relief over against any person not a party to the action or against another defendant, hereinafter called a third party, he may within the time limited for entering his dispute, enter with the clerk his account, claim or demand in writing in detail, and in cases of tort particulars of his demand, against the third party stating the nature and grounds thereof and shall at the same time deliver to the clerk a copy, and if necessary copies of his account, claim or demand and shall pay to the clerk the prescribed fees.

Summons
to third
party.

(2) The clerk upon receipt of the prescribed fees shall annex the account, claim or demand and particulars, if any, to a copy of the summons to the defendant and

EXPLANATORY NOTES

SECTION 1. Section 9 of *The Division Courts Act* which prescribes the number of sittings of division courts, is repealed. The situation will hereafter be controlled by regulation.

SECTION 2. The proposed subsection permits the Lieutenant-Governor in Council to include within the limits of a division court of any county or district, territory located in an adjacent county or district.

SECTION 3. The provisions of *The Division Courts Act* which are repealed by this section provide for prescribing the fees of clerks and bailiffs and also prescribe the fees in certain cases where small amounts are involved. The repeal is to come into force on a day to be named by the Lieutenant-Governor by his Proclamation. Section 217 of *The Division Courts Act* as re-enacted by this Bill provides for the prescribing of fees by the Lieutenant-Governor in Council. The purpose of the proposed repeal is to permit the Lieutenant-Governor in Council to prescribe a tariff of fees on a block or flat-rate basis.

SECTION 4. Provision is made for third party procedure in division courts.

shall deliver a copy thereof to the proper person for service upon the third party.

Procedure.

- (3) The practice and procedure as between the defendant and the third party shall be the same, *mutatis mutandis* as the practice and procedure as between a plaintiff and defendant and the judge may make such direction as may appear proper for having the question between the defendant and the third party most conveniently determined and as to the mode and extent in or to which the third party shall be bound or made liable by the judgement in the action and may make such order or give such judgment against the third party as may be required.

Default of appearance.

- (4) Where a third party makes default in entering an appearance, if the action is tried and results in favour of the plaintiff, the judge who tries the action may, at or after the trial, direct such judgment as the nature of the case may require to be entered for the defendant giving the notice against the third party.

Delay to be avoided.

- (5) A plaintiff shall not be prejudiced or unnecessarily delayed by reason of questions between the defendant and the third party in which he is not concerned and such directions shall be given and terms imposed as may be necessary to prevent delay of the plaintiff where it can be done without injustice to the defendant and the third party.

Rev. Stat., c. 107, s. 122, subs. 1, amended.

5. Subsection 1 of section 122 of *The Division Courts Act* is amended by adding thereto the words "and shall be heard and determined by one justice in appeal", so that the said subsection shall now read as follows:

Appeal when and how made.

- (1) The appeal shall be made in the time and manner prescribed by the rules of court and shall be heard and determined by one justice in appeal.

Rev. Stat., c. 107, s. 165, subs. 1, amended.

6.—(1) Subsection 1 of section 165 of *The Division Courts Act* is amended by inserting after the word "chattels" in the fifth line the words "and subject to sections 174 and 175, the land", so that the said subsection shall now read as follows:

When money not paid pursuant to order, execution to issue.

- (1) Where the judge gives judgment or makes an order for the payment of money, and default is made in payment of the whole or of any part thereof, the party in whose favour the order has been made shall be entitled to execution against the goods and chattels and, subject to sections 174 and 175, the land of the party in default.

SECTION 5. The amendment provides that appeals taken to the Court of Appeal shall be heard by one judge of the Court of Appeal.

SECTION 6, subsection 1 and SECTION 7. These amendments provide for issuing execution against lands without the necessity of first issuing execution and obtaining a return of *nulla bona*.

Rev. Stat.,
c. 107, s. 165,
amended.

(2) The said section 165 is amended by adding thereto the following subsection:

Jurisdic-
tion of
bailiff.

- (3) The bailiff of any division court shall have jurisdiction throughout the county to enforce execution and levy by distress and sale of the goods and chattels of the debtor the amount of any judgment and costs and to carry out all other process and proceedings to enforce payment of the judgment, and where the limits of a division court include parts of two counties such jurisdiction shall apply throughout both of such counties, provided that where a bailiff goes outside the limits of the division for which he is appointed under the authority of this subsection he shall not be entitled to any mileage allowance in respect of travelling outside of such division.

Rev. Stat.,
c. 107, s. 174,
subs. 1,
amended.

7. Subsection 1 of section 174 of *The Division Courts Act* is amended by striking out the words "where an execution against goods is returned *nulla bona*, and the sum remaining unsatisfied on the", in the first and second lines and inserting in lieu thereof the words "where the sum remaining unsatisfied on a", so that the said subsection shall now read as follows:

Executions
against
lands.

- (1) Where the sum remaining unsatisfied on a judgment amounts to the sum of \$40 or upwards, the judgment creditor shall be entitled to an execution (Form 6), against the land of the judgment debtor, and the clerk, at the request of the party prosecuting the judgment, shall issue an execution against the land of the judgment debtor directed to the sheriff of any county.

Rev. Stat.,
c. 107, s. 217,
amended.

8. Section 217 of *The Division Courts Act* is repealed and the following substituted therefor:

Rules.

217. The Lieutenant-Governor in Council may make rules,

- (a) prescribing fees payable to the Crown and to clerks, bailiffs, appraisers, witnesses and for any other services performed under this Act;
- (b) regulating the sittings of the courts and providing for fixing the times and places of such sittings;
- (c) prescribing the duties of clerks and bailiffs and requiring clerks to furnish to judges information regarding sittings of the court;

SECTION 6—Subsection 2. This amendment authorizes a bailiff to enforce execution in places within the county or district in which his division court is located but provides that where he goes outside the limits of his own division court he shall not be entitled to mileage allowance.

SECTION 8. The scope of section 217 of *The Division Courts Act* which authorizes the Lieutenant-Governor in Council to make rules, is extended. The proposed section 217 replaces the provisions of section 41 of *The Division Courts Act*, which it is proposed to repeal, by authorizing the Lieutenant-Governor in Council to prescribe fees. It provides for regulating the sittings of the courts which is now covered by section 9 of *The Division Courts Act* which it is proposed to repeal by section 1 of this Bill. The proposed section 217 permits the Lieutenant-Governor in Council to prescribe the duties of clerks and bailiffs and to require the clerks to furnish information to the judges regarding the sittings of the court, and to prescribe the returns and information to be made or furnished by clerks and bailiffs. Forms prescribed by the Act may be altered by regulation and the regulations may provide for the service of summonses by mail.

- (d) prescribing the returns to be made and the information to be furnished by clerks and bailiffs;
- (e) altering or revoking any of the forms prescribed by this Act and prescribing such other forms as he may deem advisable;
- (f) providing for the service of summonses and other process issued out of division courts by prepaid post or otherwise and prescribing the manner of proving service and such other matters as may be necessary or incidental thereto;
- (g) regulating any matter relating to the practice and procedure of the courts, or to the duties of the officers thereof, or to the costs of proceedings therein; and
- (h) every other matter deemed expedient for better attaining the ends of justice, advancing the remedies of suitors and carrying into effect the provisions of this Act and of all other Acts now or hereafter in force respecting division courts.

Short title.

9. This Act may be cited as *The Division Courts Amendment Act, 1941*.



An Act to amend The Division Courts Act.

1st Reading

March 31st, 1941

2nd Reading

3rd Reading

MR. CONANT

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Division Courts Act.

MR. CONANT

BILL

An Act to amend The Division Courts Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 107, s. 9,
repealed.

1. Section 9 of *The Division Courts Act* is repealed.

Rev. Stat.,
c. 107, s. 14,
amended.

2. Section 14 of *The Division Courts Act* is amended by adding thereto the following subsection:

May include
adjacent
territory.

(2) The Lieutenant-Governor in Council may include within the limits of a division court of one county, territory in an adjacent county.

Rev. Stat.,
c. 107, s. 41,
subss. 1, 2,
3; s. 42,
repealed.

3.—(1) Subsections 1, 2 and 3 of section 41 and section 42 of *The Division Courts Act* are repealed.

Commence
ment of
subs. 1.

(2) Subsection 1 shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Rev. Stat.,
c. 107,
amended.

4. *The Division Courts Act* is amended by adding thereto the following section:

Third
party.

89a.—(1) Where a defendant claims to be entitled to contribution or indemnity from or any other relief over against any person not a party to the action or against another defendant, hereinafter called a third party, he may within the time limited for entering his dispute, enter with the clerk his account, claim or demand in writing in detail, and in cases of tort particulars of his demand, against the third party stating the nature and grounds thereof and shall at the same time deliver to the clerk a copy, and if necessary copies of his account, claim or demand and shall pay to the clerk the prescribed fees.

Summons
to third
party.

(2) The clerk upon receipt of the prescribed fees shall annex the account, claim or demand and particulars, if any, to a copy of the summons to the defendant and

shall deliver a copy thereof to the proper person for service upon the third party.

- (3) The practice and procedure as between the defendant and the third party shall be the same, *mutatis mutandis* as the practice and procedure as between a plaintiff and defendant and the judge may make such direction as may appear proper for having the question between the defendant and the third party most conveniently determined and as to the mode and extent in or to which the third party shall be bound or made liable by the judgement in the action and may make such order or give such judgment against the third party as may be required. Procedure.

- (4) Where a third party makes default in entering an appearance, if the action is tried and results in favour of the plaintiff, the judge who tries the action may, at or after the trial, direct such judgment as the nature of the case may require to be entered for the defendant giving the notice against the third party. Default of appearance.

- (5) A plaintiff shall not be prejudiced or unnecessarily delayed by reason of questions between the defendant and the third party in which he is not concerned and such directions shall be given and terms imposed as may be necessary to prevent delay of the plaintiff where it can be done without injustice to the defendant and the third party. Delay to be avoided.

5. Subsection 1 of section 122 of *The Division Courts Act* is amended by adding thereto the words "and shall be heard and determined by one justice in appeal", so that the said subsection shall now read as follows: Rev. Stat., c. 107, s. 122, subs. 1, amended.

- (1) The appeal shall be made in the time and manner prescribed by the rules of court and shall be heard and determined by one justice in appeal. Appeal when and how made.

6.—(1) Subsection 1 of section 165 of *The Division Courts Act* is amended by inserting after the word "chattels" in the fifth line the words "and subject to sections 174 and 175, the land", so that the said subsection shall now read as follows: Rev. Stat., c. 107, s. 165, subs. 1, amended.

- (1) Where the judge gives judgment or makes an order for the payment of money, and default is made in payment of the whole or of any part thereof, the party in whose favour the order has been made shall be entitled to execution against the goods and chattels and, subject to sections 174 and 175, the land of the party in default. When money not paid pursuant to order, execution to issue.

Rev. Stat.,
c. 107, s. 165,
amended. (2) The said section 165 is amended by adding thereto the following subsection:

Jurisdic-
tion of
bailiff.

- (3) The bailiff of any division court shall have jurisdiction throughout the county to enforce execution and levy by distress and sale of the goods and chattels of the debtor the amount of any judgment and costs and to carry out all other process and proceedings to enforce payment of the judgment, and where the limits of a division court include parts of two counties such jurisdiction shall apply throughout both of such counties, provided that where a bailiff goes outside the limits of the division for which he is appointed under the authority of this subsection he shall not be entitled to any mileage allowance in respect of travelling outside of such division.

Rev. Stat.,
c. 107, s. 174,
subs. 1,
amended.

7. Subsection 1 of section 174 of *The Division Courts Act* is amended by striking out the words "where an execution against goods is returned *nulla bona*, and the sum remaining unsatisfied on the", in the first and second lines and inserting in lieu thereof the words "where the sum remaining unsatisfied on a", so that the said subsection shall now read as follows:

Executions
against
lands.

- (1) Where the sum remaining unsatisfied on a judgment amounts to the sum of \$40 or upwards, the judgment creditor shall be entitled to an execution (Form 6), against the land of the judgment debtor, and the clerk, at the request of the party prosecuting the judgment, shall issue an execution against the land of the judgment debtor directed to the sheriff of any county.

Rev. Stat.,
c. 107, s. 217,
amended.

8. Section 217 of *The Division Courts Act* is repealed and the following substituted therefor:

Rules.

217. The Lieutenant-Governor in Council may make rules,

- (a) prescribing fees payable to the Crown and to clerks, bailiffs, appraisers, witnesses and for any other services performed under this Act;
- (b) regulating the sittings of the courts and providing for fixing the times and places of such sittings;
- (c) prescribing the duties of clerks and bailiffs and requiring clerks to furnish to judges information regarding sittings of the court;

- (d) prescribing the returns to be made and the information to be furnished by clerks and bailiffs;
- (e) altering or revoking any of the forms prescribed by this Act and prescribing such other forms as he may deem advisable;
- (f) providing for the service of summonses and other process issued out of division courts by prepaid post or otherwise and prescribing the manner of proving service and such other matters as may be necessary or incidental thereto;
- (g) regulating any matter relating to the practice and procedure of the courts, or to the duties of the officers thereof, or to the costs of proceedings therein; and
- (h) every other matter deemed expedient for better attaining the ends of justice, advancing the remedies of suitors and carrying into effect the provisions of this Act and of all other Acts now or hereafter in force respecting division courts.

9. This Act may be cited as *The Division Courts Amendment Act, 1941*. Short title.

BILL

An Act to amend The Division Courts Act.

1st Reading

March 31st, 1941

2nd Reading

April 4th, 1941

3rd Reading

April 8th, 1941

MR. CONANT

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

an Act to amend The Temiskaming and Northern Ontario Railway Act.

MR. HEPBURN (Elgin)

BILL

An Act to amend The Temiskaming and Northern Ontario Railway Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 55,
amended.

1. *The Temiskaming and Northern Ontario Railway Act* is amended by adding thereto the following section:

Industrial
Commissioner,—
appointment
of.

5a.—(1) The Lieutenant-Governor in Council may appoint an Industrial Commissioner who shall be paid such salary or other remuneration by the Commission as may be determined by the Lieutenant-Governor in Council whose duty it shall be to assist in the promotion of industrial activity in that part of Ontario served by the Temiskaming and Northern Ontario Railway.

Industrial
Commissioner may
be member
of Legislature.

Rev. Stat.,
c. 12.

(2) Notwithstanding anything in *The Legislative Assembly Act* the appointment of the Industrial Commissioner, if a member of the Assembly, shall not be avoided by reason of the payment to him or the acceptance by him of any salary or other remuneration under this Act, nor shall he thereby vacate or forfeit his seat or incur any of the penalties imposed by the said Act for sitting and voting as a member of the Assembly.

Rev. Stat.,
c. 55,
amended.

2. *The Temiskaming and Northern Ontario Railway Act* is amended by adding thereto the following section:

Agreement
with
Nipissing
Central
Railway
Company.

8a. The Commission, with the approval of the Lieutenant-Governor in Council, may enter into an agreement with the Nipissing Central Railway Company to acquire, lease or otherwise deal with the railway and the undertakings of the Company in whole or in part, and upon such acquisition, lease or other dealing may operate the said railway and its undertakings in the same manner and subject to

EXPLANATORY NOTES

SECTION 1. The amendment provides for the appointment of an Industrial Commissioner for the Temiskaming and Northern Ontario Railway and permits the appointment of a member of the Legislature to that post.

SECTION 2. Under the provisions of an Act of 1925 which is now repealed, the Temiskaming and Northern Ontario Railway Commission purchased the capital stock of the Nipissing Central Railway Company. The proposed section 8a permits the Temiskaming and Northern Ontario Railway Commission with the approval of the Lieutenant-Governor in Council to enter into an agreement to acquire, lease or otherwise deal with the Nipissing Central Railway and thereupon to operate it as though it formed part of the Temiskaming and Northern Ontario Railway. After the agreement is entered into and approved by the Board of Railway Commissioners for Canada as required by the Railway Act (Canada) the Temiskaming and Northern Ontario Railway Commission will be able to operate the Temiskaming and Northern Ontario Railway and the Nipissing Central Railway on one set of books and as one railway. At present the Commission has to keep separate sets of books and issue separate tickets for the Temiskaming and Northern Ontario Railway and the Nipissing Central Railway.

the said agreement to the same extent as if such railway and undertakings formed part of the Temiskaming and Northern Ontario Railway.

Short title.

3. This Act may be cited as *The Temiskaming and Northern Ontario Railway Amendment Act, 1941*.

BILL

An Act to amend The Temiskaming and
Northern Ontario Railway Act.

1st Reading

March 31st, 1941

2nd Reading

2nd Reading

Mr. HEPBURN (Elgin)

No. 81

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Temiskaming and Northern Ontario Railway Act.

MR. HEPBURN (Elgin)

BILL

An Act to amend The Temiskaming and Northern Ontario Railway Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 55,
amended.

1. *The Temiskaming and Northern Ontario Railway Act* is amended by adding thereto the following section:

Industrial
Commissioner,—
appointment
of.

5a.—(1) The Lieutenant-Governor in Council may appoint an Industrial Commissioner who shall be paid such salary or other remuneration by the Commission as may be determined by the Lieutenant-Governor in Council whose duty it shall be to assist in the promotion of industrial activity in that part of Ontario served by the Temiskaming and Northern Ontario Railway.

Industrial
Commissioner may
be member
of Legisla-
ture.

Rev. Stat.,
c. 12.

(2) Notwithstanding anything in *The Legislative Assembly Act* the appointment of the Industrial Commissioner, if a member of the Assembly, shall not be avoided by reason of the payment to him or the acceptance by him of any salary or other remuneration under this Act, nor shall he thereby vacate or forfeit his seat or incur any of the penalties imposed by the said Act for sitting and voting as a member of the Assembly.

Rev. Stat.,
c. 55,
amended.

2. *The Temiskaming and Northern Ontario Railway Act* is amended by adding thereto the following section:

Agreement
with
Nipissing
Central
Railway
Company.

8a. The Commission, with the approval of the Lieutenant-Governor in Council, may enter into an agreement with the Nipissing Central Railway Company to acquire, lease or otherwise deal with the railway and the undertakings of the Company in whole or in part, and upon such acquisition, lease or other dealing may operate the said railway and its undertakings in the same manner and subject to

the said agreement to the same extent as if such railway and undertakings formed part of the Temiskaming and Northern Ontario Railway.

3. This Act may be cited as *The Temiskaming and Northern* Short title.
Ontario Railway Amendment Act, 1941.

BILL

An Act to amend The Temiskaming and
Northern Ontario Railway Act.

1st Reading

March 31st, 1941

2nd Reading

April 4th, 1941

2nd Reading

April 8th, 1941

MR. HEPBURN (Elgin)

No. 82

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Securities Act.

MR. CONANT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Securities Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 265, s. 1,
amended.

1. Section 1 of *The Securities Act* is amended by relettering clause *a* as clause *aa*, and by adding thereto the following clause:

"Board of
Review."

(a) "Board of Review" shall mean Board of Review constituted under this Act.

Rev. Stat.,
c. 265, s. 13,
subs. 1,
amended.

2. Subsection 1 of section 13 of *The Securities Act* is amended by striking out the words "and no order of the Commission shall be subject to review in any way in any court", in the last two lines thereof.

Rev. Stat.,
c. 265,
amended.

3. *The Securities Act* is amended by renumbering section 13a, enacted by section 2 of *The Securities Amendment Act, 1940*, as section 13f, and by adding the following sections:

Notice of
direction,
decision,
etc.

13a.—(1) A notice of every direction, decision, order or ruling of the Commission,

(a) granting or refusing to grant registration to or renewing, refusing to renew, suspending, cancelling or changing the registration of any broker or salesman; or

(b) regarding trading or the right to trade in securities or the escrow or release from escrow of any securities,

shall be sent forthwith by prepaid post to the applicant, broker or salesman whose registration is thereby affected or to such other person as in the opinion of the Commission is primarily affected by the direction, decision, order or ruling, at the address appearing in the application or upon the records of the Commission.

EXPLANATORY NOTES

GENERAL. The purpose of the Bill is to provide for an appeal from the Securities Commission in every direction, decision, order or ruling regarding a license or affecting the right of any person to trade in securities. Where any person is dissatisfied the direction, decision, order or ruling will be reviewed by a Board of Review created by the Bill and an appeal may be taken from the Board of Review to the Court of Appeal for Ontario.

SECTION 1. "Board of Review" is defined.

SECTION 2. That part of section 13 of *The Securities Act* which provides that "no order of the Commission shall be subject to review in any way in any court" is repealed in order to render the Act consistent with the amendments contained in the Bill.

SECTION 3. This Section enacts five new sections to *The Securities Act* which are numbered 13a, 13b, 13c, 13d, and 13e.

The proposed SECTION 13a. Subsection 1 requires a notice of every direction, decision, order or ruling of the Commission which relates to the granting, renewing, suspending, cancelling or changing of the registration of a broker or salesman, or which relates to the trading or the right to trade in securities, or the escrow or release from escrow of securities, to be sent to the broker, salesman or other person who is primarily affected.

Review of
decision
by Board
of Review.

- (2) Any person to whom a notice is sent under subsection 1 or any other person who is primarily affected by any such direction, decision, order or ruling may within thirty days of the sending of the notice of such direction, decision, order or ruling, file with the registrar a notice in writing that he desires to have such direction, decision, order or ruling reviewed by the Board of Review.

Where per-
sons re-
questing
review not
primarily
affected
thereby.

- (3) Where in the opinion of the Commission any person who requests a review of a direction, decision, order or ruling is not primarily affected thereby, the registrar shall arrange an appointment with the chairman of the Board of Review and shall, at least seven days before the date of such appointment, send a notice thereof by prepaid post to the person requesting the review, and upon the return of the appointment the chairman shall determine whether such person is primarily affected by such direction, decision, order or ruling and his decision shall be final.

Duty of
Commission
upon filing
of notice
under
subs. 2.

- (4) Subject to subsection 3, upon the filing of a notice under subsection 2 the registrar shall,—

(a) arrange an appointment for a review of the direction, decision, order or ruling by the Board of Review within one month of the receipt of such notice;

(b) send a copy of the appointment by prepaid post to the person filing such notice of the time and place of the sitting of the Board of Review; and

(c) furnish the Board of Review with all the material in the possession of the Commission relating to the matter which is the subject of the direction, decision, order or ruling together with a copy of the direction, decision, order or ruling and a statement of the reasons therefor.

Board of
Review,—
how com-
posed.

- 13b.—(1) There shall be a Board to be known as the “Board of Review” and such Board shall be composed of,—

(a) the Master of the Supreme Court of Ontario who shall be the chairman;

(b) the Judge of the Mining Court; and

(c) the Deputy Minister of Mines.

Subsection 2 provides that any person to whom a notice is sent under subsection 1, or any other person primarily affected by a direction, decision, order or ruling of the Commission, may require a review thereof by the Board of Review.

Subsection 3 provides that in case of doubt the chairman of the Board of Review shall determine whether any person seeking a review is primarily affected by the direction, decision, order or ruling in question.

Subsection 4 provides for the arranging by the registrar of a hearing by the Board of Review in cases where notice has been received that a review is desired.

The proposed SECTION 13*b*. Subsection 1 creates the Board of Review which shall be composed of the Master of the Supreme Court, who shall be chairman, the Judge of the Mining Court and the Deputy Minister of Mines.

- Secretary. (2) The registrar shall be secretary of the Board of Review.
- Sittings. (3) The Board of Review shall hold sittings at such times as may be necessary to review any direction, decision or ruling of the Commission.
- Representations and submissions to be made to Board. (4) The Board of Review may receive or require such written or verbal representations or submissions from the Commission or any person requesting a review as it may deem necessary or desirable and may obtain the assistance of a person having scientific or expert knowledge the better to enable it to determine any matter and may act upon the certificate or report of any such person.
- Powers of Board. (5) The Board of Review shall have all the powers which may be conferred upon a commissioner appointed under *The Public Inquiries Act* and such powers may be exercised by the chairman.
- Rev. Stat., c. 19.
- Recommendation of Board to Commission. 13c.—(1) The Board of Review or a majority of the members thereof shall make such recommendation to the Commission as it deems proper with regard to any direction, decision, order or ruling reviewed by it and a copy of such recommendation shall be sent by prepaid post to the person who requested the review.
- Where no appeal taken. (2) Where no appeal from the recommendation of the Board of Review is taken within the time prescribed by subsection 2 of section 13d the Commission shall forthwith give such direction, decision, order or ruling and do such other acts as may be necessary to carry out the recommendation of the Board of Review.
- Appeal to Court of Appeal. 13d.—(1) The Commission, the person who requested the review or any person who is primarily affected by any recommendation of the Board of Review may appeal therefrom to the Court of Appeal.
- Appeal. (2) Every appeal shall be by notice of motion served,
- (a) upon the person who requested the review where the appeal is taken by the Commission; and
- (b) upon the registrar in all other cases,
- within thirty days after the posting of the notice under subsection 1 of section 13c.

Subsection 2 names the registrar of the Securities Commission as the secretary of the Board of Review.

Subsection 3 requires the Board of Review to hold such sittings as may be necessary.

Subsection 4 authorizes the Board of Review to receive or require verbal representations or submissions from the Commission or from any person requiring a review and to obtain the assistance of an expert and to act upon the certificate or report of such expert.

Subsection 5 gives the Board all the powers which may be conferred upon a commissioner appointed under *The Public Inquiries Act*, and permits such powers to be exercised by the chairman.

The proposed SECTION 13c. Subsection 1 provides that the Board of Review or a majority of the members thereof shall make such recommendations to the Commission as it deems proper and notice thereof shall be sent to the person who requested the review.

Subsection 2. Where no appeal is taken to the Court of Appeal, the Commission shall carry out the recommendations of the Board of Review.

The proposed SECTION 13d—Subsections 1 and 2. The Commission, the person who requested the review, or any person who is primarily affected by any recommendation of the Board of Review may appeal to the Court of Appeal within thirty days of the sending of notice of the recommendation made by the Board.

(3) The registrar shall certify to the Registrar of the Court of Appeal,

- (a) the direction, decision, order or ruling of the Commission together with any statement of reasons therefor;
- (b) the recommendation of the Board of Review together with any statement of reasons therefor;
- (c) all material and submissions which were before the Commission relating to the matter which is the subject of the direction, decision, order or ruling;
- (d) a transcript of the evidence, if any, taken before the Board of Review and all other material and submissions before the Board of Review relating to the matter which is the subject of the appeal.

Practice
and pro-
cedure on
appeal.

(4) The practice and procedure upon and in relation to the appeal shall be the same as upon an appeal from a judgment of a judge of the Supreme Court in an action, provided that the Rules Committee may vary or amend such practice and procedure or may prescribe the practice and procedure which shall be applicable to appeals taken under this Act.

Order of
Court of
Appeal.

(5) The Court of Appeal may by its order direct the Commission to make such direction, decision, order or ruling or to do such other act as the Commission is authorized and empowered to do under this Act or the regulations and as the Court of Appeal deems proper having regard to the material and submissions before it and to the provisions of this Act and the regulations and the Commission shall make such direction, decision, order or ruling or do such act accordingly.

Further
direction,
etc.

13e. Notwithstanding any recommendation of the Board of Review or order of the Court of Appeal the Commission shall have the power to make any further direction, decision, order or ruling upon new material or where there is a material change in the circumstances and every such direction, decision, order or ruling shall be subject to the provisions of sections 13a to 13d.

Subsection 3 requires the registrar of the Securities Commission, who is the secretary of the Board of Review, to certify all proper material for use on the appeal, to the Registrar of the Court of Appeal.

Subsection 4 provides for the practice and procedure upon the appeal.

Subsection 5 prescribes the powers of the Court of Appeal and provides that the Commission shall make such direction, decision, order or ruling or do such act as the Court of Appeal by its order requires.

The proposed SECTION 13e preserves the right of the Commission to make any further direction, decision, order or ruling in connection with any matter which has been before the Board of Review or Court of Appeal, where a material change in circumstances so warrants.

Rev. Stat.,
c. 265, s. 35,
amended.

4. Section 35 of *The Securities Act* is amended by adding thereto the following clause:

Regulations.

(dd) for prescribing the practice and procedure in cases where a notice is filed requesting a review by the Board of Review and for prescribing the practice and procedure before the Board of Review.

Short_title.

5. This Act may be cited as *The Securities Amendment Act, 1941*.

SECTION 4 of the Bill. Provides for prescribing the practice and procedure in connection with matters coming before the Board of Review.

An Act to amend The Securities Act.

1st Reading

April 1st, 1941

2nd Reading

3rd Reading

MR. CONANT

No. 82

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Securities Act.

MR. CONANT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 82

1941

BILL

An Act to amend The Securities Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 265, s. 1,
amended.

1. Section 1 of *The Securities Act* is amended by relettering clause *a* as clause *aa*, and by adding thereto the following clause:

"Board of
Review."

(a) "Board of Review" shall mean Board of Review constituted under this Act.

Rev. Stat.,
c. 265, s. 13,
subs. 1,
amended.

2. Subsection 1 of section 13 of *The Securities Act* is amended by striking out the words "and no order of the Commission shall be subject to review in any way in any court", in the last two lines thereof.

Rev. Stat.,
c. 265,
amended.

3. *The Securities Act* is amended by renumbering section 13a, enacted by section 2 of *The Securities Amendment Act, 1940*, as section 13f, and by adding the following sections:

Notice of
direction,
decision,
etc.

13a.—(1) A notice of every direction, decision, order or ruling of the Commission,

(a) granting or refusing to grant registration to or renewing, refusing to renew, suspending, cancelling or changing the registration of any broker or salesman; or

(b) regarding trading or the right to trade in securities or the escrow or release from escrow of any securities,

shall be sent forthwith by prepaid post to the applicant, broker or salesman whose registration is thereby affected or to such other person as in the opinion of the Commission is primarily affected by the direction, decision, order or ruling, at the address appearing in the application or upon the records of the Commission.

- (2) Any person to whom a notice is sent under subsection 1 or any other person who is primarily affected by any such direction, decision, order or ruling may within thirty days of the sending of the notice of such direction, decision, order or ruling, file with the registrar a notice in writing that he desires to have such direction, decision, order or ruling reviewed by the Board of Review. Review of decision by Board of Review.
- (3) Where in the opinion of the Commission any person who requests a review of a direction, decision, order or ruling is not primarily affected thereby, the registrar shall arrange an appointment with the chairman of the Board of Review and shall, at least seven days before the date of such appointment, send a notice thereof by prepaid post to the person requesting the review, and upon the return of the appointment the chairman shall determine whether such person is primarily affected by such direction, decision, order or ruling and his decision shall be final. Where persons requesting review not primarily affected thereby.
- (4) Subject to subsection 3, upon the filing of a notice under subsection 2 the registrar shall,— Duty of Commission upon filing of notice under subs. 2.
- (a) arrange an appointment for a review of the direction, decision, order or ruling by the Board of Review within one month of the receipt of such notice;
 - (b) send a copy of the appointment by prepaid post to the person filing such notice of the time and place of the sitting of the Board of Review; and
 - (c) furnish the Board of Review with all the material in the possession of the Commission relating to the matter which is the subject of the direction, decision, order or ruling together with a copy of the direction, decision, order or ruling and a statement of the reasons therefor.
- 13b.—(1) There shall be a Board to be known as the "Board of Review" and such Board shall be composed of,— Board of Review.—how composed.
- (a) the Master of the Supreme Court of Ontario who shall be the chairman;
 - (b) the Judge of the Mining Court; and
 - (c) the Deputy Minister of Mines.

- Secretary. (2) The registrar shall be secretary of the Board of Review.
- Sittings. (3) The Board of Review shall hold sittings at such times as may be necessary to review any direction, decision or ruling of the Commission.
- Representations and submissions to be made to Board. (4) The Board of Review may receive or require such written or verbal representations or submissions from the Commission or any person requesting a review as it may deem necessary or desirable and may obtain the assistance of a person having scientific or expert knowledge the better to enable it to determine any matter and may act upon the certificate or report of any such person.
- Powers of Board. (5) The Board of Review shall have all the powers which may be conferred upon a commissioner appointed under *The Public Inquiries Act* and such powers may be exercised by the chairman.
- Rev. Stat., c. 19.
- Recommendation of Board to Commission. 13c.—(1) The Board of Review or a majority of the members thereof shall make such recommendation to the Commission as it deems proper with regard to any direction, decision, order or ruling reviewed by it and a copy of such recommendation shall be sent by prepaid post to the person who requested the review.
- Where no appeal taken. (2) Where no appeal from the recommendation of the Board of Review is taken within the time prescribed by subsection 2 of section 13d the Commission shall forthwith give such direction, decision, order or ruling and do such other acts as may be necessary to carry out the recommendation of the Board of Review.
- Appeal to Court of Appeal. 13d.—(1) The Commission, the person who requested the review or any person who is primarily affected by any recommendation of the Board of Review may appeal therefrom to the Court of Appeal.
- Appeal. (2) Every appeal shall be by notice of motion served,
- (a) upon the person who requested the review where the appeal is taken by the Commission; and
- (b) upon the registrar in all other cases,
- within thirty days after the posting of the notice under subsection 1 of section 13c.

- (3) The registrar shall certify to the Registrar of the Court of Appeal,
- (a) the direction, decision, order or ruling of the Commission together with any statement of reasons therefor;
 - (b) the recommendation of the Board of Review together with any statement of reasons therefor;
 - (c) all material and submissions which were before the Commission relating to the matter which is the subject of the direction, decision, order or ruling;
 - (d) a transcript of the evidence, if any, taken before the Board of Review and all other material and submissions before the Board of Review relating to the matter which is the subject of the appeal.
- (4) The practice and procedure upon and in relation to the appeal shall be the same as upon an appeal from a judgment of a judge of the Supreme Court in an action, provided that the Rules Committee may vary or amend such practice and procedure or may prescribe the practice and procedure which shall be applicable to appeals taken under this Act. Practice and procedure on appeal.
- (5) The Court of Appeal may by its order direct the Commission to make such direction, decision, order or ruling or to do such other act as the Commission is authorized and empowered to do under this Act or the regulations and as the Court of Appeal deems proper having regard to the material and submissions before it and to the provisions of this Act and the regulations and the Commission shall make such direction, decision, order or ruling or do such act accordingly. Order of Court of Appeal.
- 13e. Notwithstanding any recommendation of the Board of Review or order of the Court of Appeal the Commission shall have the power to make any further direction, decision, order or ruling upon new material or where there is a material change in the circumstances and every such direction, decision, order or ruling shall be subject to the provisions of sections 13a to 13d. Further direction, etc.

Rev. Stat.,
c. 265, s. 35,
amended.

4. Section 35 of *The Securities Act* is amended by adding thereto the following clause:

Regulations.

(dd) for prescribing the practice and procedure in cases where a notice is filed requesting a review by the Board of Review and for prescribing the practice and procedure before the Board of Review.

Short title.

5. This Act may be cited as *The Securities Amendment Act, 1941*.

BILL

An Act to amend The Securities Act.

1st Reading

April 1st, 1941

2nd Reading

April 7th, 1941

3rd Reading

April 9th, 1941

MR. CONANT

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Cemetery Act.

MR. KIRBY

BILL

An Act to amend The Cemetery Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 351, s. 1,
cl. f,
amended.

1. Clause *f* of section 1 of *The Cemetery Act* is amended by striking out the words "Department of Health" in the second line and inserting in lieu thereof the words "Lieutenant-Governor in Council", so that the said clause shall now read as follows:

"Regulations".

(f) "Regulations" shall mean regulations made by the Lieutenant-Governor in Council under the authority of this Act.

Rev. Stat.,
c. 351, s. 8,
re-enacted.

2. Section 8 of *The Cemetery Act* is repealed and the following substituted therefor:

Power to
make
regulations.

8.—(1) The Lieutenant-Governor in Council may upon the recommendation of the Minister of Health make regulations,—

- (a) respecting the burial, disinterment, removal, and disposal of the bodies or other remains of deceased persons;
- (b) respecting the plans, surveys, arrangement, condition, care, sale and conveyancing of lots, plots and other cemetery grounds and property;
- (c) respecting the erection, arrangement and removal of tombs, vaults, monuments, grave-stones, markers, copings, fences, hedges, shrubs, plants and trees in cemeteries;
- (d) respecting charges for the sale and care of lots and plots;

EXPLANATORY NOTES

SECTION 1. The term "regulations" is defined.

SECTION 2. The Department of Health has power to make regulations; the amendment provides that this power be vested in the Lieutenant-Governor in Council. The amendment sets out in detail the regulations which may be made.

- (e) respecting the collection, amounts to be collected and investment of funds for perpetual care and maintenance of cemeteries;
- (f) requiring the filing or registration of plans of cemeteries and prescribing the contents and details of such plans and requiring that burials be made in accordance with such plan;
- (g) requiring that the by-laws, rules or regulations made by the owners of cemeteries be approved by the Minister of Health; and
- (h) requiring information with regard to cemeteries and the care and management thereof to be furnished to the Minister of Health,

and such regulations may be general in their application or may be made applicable specially to any particular locality or cemetery.

Penalty
for viola-
tion of
regulations.

- (2) Every person who violates any of the provisions of the regulations shall be liable to a penalty of not more than \$100 for a first offence and not more than \$500 for a second or subsequent offence which shall be recoverable under *The Summary Convictions Act*.

Rev. Stat.,
c. 136.

Rev. Stat.,
c. 351, s. 30,
subs. 1,
amended.

- 3. Subsection 1 of section 30 of *The Cemetery Act* is amended by striking out the word "personal" in the fourth line, so that the said subsection shall now read as follows:

Disinter-
ment of
dead body.

- (1) No dead body shall at any time be disinterred or removed from the grave, place of burial or vault, other than a receiving vault, except under and subject to the regulations and under the supervision and direction of the medical officer of health.

Rev. Stat.,
c. 351, s. 33,
amended.

- 4. Section 33 of *The Cemetery Act* is amended by inserting after the word "locality" in the fifth line the words "or that for any other reason it is expedient that a cemetery should be closed", so that the said section shall now read as follows:

Closing
cemetery
for defective
drainage,
etc.

- 33. Where the Department of Health reports in writing that a cemetery is so situated that, owing to the want of proper facilities for drainage or from any other cause, the same has become or is likely to become dangerous to the health of the inhabitants of the locality or that for any other reason it is expedient that a cemetery should be closed, the Lieutenant-Governor in Council may by proclama-

SECTION 3. The medical officer of health must supervise the disinterment or removal of a dead body from the place of burial. The amendment is intended to make it clear that the medical officer of health does not need to be personally present at the disinterment.

SECTION 4. The Lieutenant-Governor in Council may close a cemetery if it has become or is likely to become dangerous to health. The amendment provides for the closing of a cemetery by the Lieutenant-Governor in Council for other reasons.

tion declare that the cemetery shall be closed and that no further interments shall take place therein.

Rev. Stat.,
c. 351,
amended.

5. The Cemetery Act is amended by adding thereto the following sections:

Removal
by person
other than
owner.

34a. Where a cemetery has been closed by proclamation of the Lieutenant-Governor in Council as provided by section 33, and the owner does not proceed as provided by section 34, the Lieutenant-Governor in Council may authorize any person to exercise the powers of the owner in respect of a removal directed by the Lieutenant-Governor in Council and every expense incurred by such person in so doing shall be a debt due and owing from the owner to the Crown in the right of the Province of Ontario.

Power of
municipality
to exprop-
riate.

36a. The council of a local municipality may, with the approval of the Minister of Health, pass a by-law for expropriating any cemetery situate therein or within an adjacent township or in unorganized territory and the provisions of Part XV of *The Municipal Act* as to the taking of land compulsorily and making compensation therefor and as to the manner of determining and paying the compensation shall apply *mutatis mutandis* to the council and to the exercise by it of the powers conferred by this section.

Rev. Stat.,
c. 266.

6. Subsection 1 of section 43 of *The Cemetery Act* is amended by striking out the words and figures "the Great War, 1914-1918" in the seventh line and inserting in lieu thereof the words "any war", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 351, s. 43,
subs. 1,
amended.

War mem-
orial com-
mittee,—
appointment
of.

(1) The council of every county shall appoint a committee to be known as "The (*insert name of county*) War Memorial Committee" to take charge of monuments, tablets and other memorials established or erected within the county in commemoration of the nursing sisters, officers and men of His Majesty's forces who served, were wounded, killed or died during any war, except only such monuments, tablets, and other memorials as are being cared for by municipalities, churches or other organizations.

Short title.

7. This Act may be cited as *The Cemetery Amendment Act, 1941*.

SECTION 5—Paragraph 1. Where a cemetery has been closed, an owner may remove the remains interred therein to another cemetery. The amendment provides that the Lieutenant-Governor in Council may authorize some other person to make such a removal if the owner does not.

Paragraph 2. The amendment provides that a cemetery may be expropriated by the council of a local municipality for reasons satisfactory to the Minister of Health.

SECTION 6. The amendment extends the duties of County War Memorial Committees to Memorials erected with respect to the present war.

BILL

An Act to amend The Cemetery Act.

1st Reading

April 1st, 1941

2nd Reading

3rd Reading

MR. KIRBY

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Cemetery Act.

MR. KIRBY

BILL

An Act to amend The Cemetery Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 351, s. 1,
cl. f,
amended.

1. Clause *f* of section 1 of *The Cemetery Act* is amended by striking out the words "Department of Health" in the second line and inserting in lieu thereof the words "Lieutenant-Governor in Council", so that the said clause shall now read as follows:

"Regulations".

(f) "Regulations" shall mean regulations made by the Lieutenant-Governor in Council under the authority of this Act.

Rev. Stat.,
c. 351, s. 8,
re-enacted.

2. Section 8 of *The Cemetery Act* is repealed and the following substituted therefor:

Power to
make
regulations.

8.—(1) The Lieutenant-Governor in Council may upon the recommendation of the Minister of Health make regulations,—

- (a) respecting the burial, disinterment, removal, and disposal of the bodies or other remains of deceased persons;
- (b) respecting the plans, surveys, arrangement, condition, care, sale and conveyancing of lots, plots and other cemetery grounds and property;
- (c) respecting the erection, arrangement and removal of tombs, vaults, monuments, grave-stones, markers, copings, fences, hedges, shrubs, plants and trees in cemeteries;
- (d) respecting charges for the sale and care of lots and plots;

- (e) respecting the collection, amounts to be collected and investment of funds for perpetual care and maintenance of cemeteries;
- (f) requiring the filing or registration of plans of cemeteries and prescribing the contents and details of such plans and requiring that burials be made in accordance with such plan;
- (g) requiring that the by-laws, rules or regulations made by the owners of cemeteries be approved by the Minister of Health; and
- (h) requiring information with regard to cemeteries and the care and management thereof to be furnished to the Minister of Health,

and such regulations may be general in their application or may be made applicable specially to any particular locality or cemetery.

- (2) Every person who violates any of the provisions of the regulations shall be liable to a penalty of not more than \$100 for a first offence and not more than \$500 for a second or subsequent offence which shall be recoverable under *The Summary Convictions Act*. Penalty for violation of regulations.
Rev. Stat., c. 136.

3. Subsection 1 of section 30 of *The Cemetery Act* is amended by striking out the word "personal" in the fourth line, so that the said subsection shall now read as follows: Rev. Stat., c. 351, s. 30, subs. 1, amended.

- (1) No dead body shall at any time be disinterred or removed from the grave, place of burial or vault, other than a receiving vault, except under and subject to the regulations and under the supervision and direction of the medical officer of health. Disinterment of dead body.

4. Section 33 of *The Cemetery Act* is amended by inserting after the word "locality" in the fifth line the words "or that for any other reason it is expedient that a cemetery should be closed", so that the said section shall now read as follows: Rev. Stat., c. 351, s. 33, amended.

- 33. Where the Department of Health reports in writing that a cemetery is so situated that, owing to the want of proper facilities for drainage or from any other cause, the same has become or is likely to become dangerous to the health of the inhabitants of the locality or that for any other reason it is expedient that a cemetery should be closed, the Lieutenant-Governor in Council may by proclama- Closing cemetery for defective drainage, etc.

tion declare that the cemetery shall be closed and that no further interments shall take place therein.

Rev. Stat.,
c. 351,
amended.

5. *The Cemetery Act* is amended by adding thereto the following sections:

Removal
by person
other than
owner.

34a. Where a cemetery has been closed by proclamation of the Lieutenant-Governor in Council as provided by section 33, and the owner does not proceed as provided by section 34, the Lieutenant-Governor in Council may authorize any person to exercise the powers of the owner in respect of a removal directed by the Lieutenant-Governor in Council and every expense incurred by such person in so doing shall be a debt due and owing from the owner to the Crown in the right of the Province of Ontario.

Power of
municipality
to exprop-
riate.

36a. The council of a local municipality may, with the approval of the Minister of Health, pass a by-law for expropriating any cemetery situate therein or within an adjacent township or in unorganized territory and the provisions of Part XV of *The Municipal Act* as to the taking of land compulsorily and making compensation therefor and as to the manner of determining and paying the compensation shall apply *mutatis mutandis* to the council and to the exercise by it of the powers conferred by this section.

Rev. Stat.
c. 266.

Rev. Stat.,
c. 351, s. 43,
subs. 1,
amended.

6. Subsection 1 of section 43 of *The Cemetery Act* is amended by striking out the words and figures "the Great War, 1914-1918" in the seventh line and inserting in lieu thereof the words "any war", so that the said subsection shall now read as follows:

War mem-
orial com-
mittee,—
appointment
of.

(1) The council of every county shall appoint a committee to be known as "The (*insert name of county*) War Memorial Committee" to take charge of monuments, tablets and other memorials established or erected within the county in commemoration of the nursing sisters, officers and men of His Majesty's forces who served, were wounded, killed or died during any war, except only such monuments, tablets, and other memorials as are being cared for by municipalities, churches or other organizations.

Short title.

7. This Act may be cited as *The Cemetery Amendment Act, 1941*.

BILL

An Act to amend The Cemetery Act.

1st Reading

April 1st, 1941

2nd Reading

April 4th, 1941

3rd Reading

April 8th, 1941

MR. KIRBY

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Public Service Act.

MR. CONANT

BILL

An Act to amend The Public Service Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 15, s. 26,
subs. 1,
cl. a,
amended.

1. Clause *a* of subsection 1 of section 26 of *The Public Service Act* is amended by inserting after the word "years" where it occurs the first time in the second line the words "or in the case of a magistrate holding office at the date of the coming into force of *The Magistrates Amendment Act, 1941*, the age of seventy-five years", so that the said clause shall now read as follows:

(a) Every employee who having attained the age of seventy years, or in the case of a magistrate holding office at the date of the coming into force of *The Magistrates Amendment Act, 1941*, the age of seventy-five years, and having served at least ten years continuously in the public service retires therefrom.

Rev. Stat.,
c. 15, s. 30,
amended.

2. Section 30 of *The Public Service Act* is amended by adding thereto the following subsection:

Where
employee
becomes
contributor
under
Dominion
Act.

(6) Where an employee is appointed to the civil service of the Government of Canada and provision is made in or under any Act of the Parliament of Canada permitting him to become a contributor under *The Civil Service Superannuation Act* (Canada) and allowing him appropriate credit for contributions made under this Act, the Board may direct that the amount of all contributions made under this Act by such employee and by the Government on his behalf with interest thereon, be paid to the Consolidated Revenue Fund of Canada.

Rev. Stat.,
c. 15, s. 38,
amended.

3. Section 38 of *The Public Service Act* is amended by inserting after the figures "48" in the first line the words "and of *The Magistrates Act*" so that the said section shall now read as follows:

EXPLANATORY NOTES

SECTIONS 1, 3 and 4. Magistrates whose salaries are paid by cities are brought within the superannuation provisions of *The Public Service Act* on a contributory basis providing they are under the age of fifty-five years at the date of appointment. The Bill includes magistrates now on the Bench who had not yet reached the age of fifty-five years on January 1st, 1941.

SECTION 2. This section provides that where an employee of this Government becomes an employee of the Government of Canada and appropriate provisions are made permitting him to come under the Dominion Civil Service Superannuation scheme and allowing him credit for contributions he has made under the Ontario scheme, contributions made under the Ontario scheme may be paid into the Consolidated Revenue Fund of Canada.

Compulsory
retirement.
Rev. Stat.,
c. 133.

38. Subject to the provisions of sections 47 and 48 and of *The Magistrates Act*, and notwithstanding anything contained in any Act relating to any department, branch, or office in the public service or in any other Act of this Legislature, every employee, no matter by what tenure he holds office, shall cease to hold office upon attaining the age of seventy years.

Rev. Stat.,
c. 15,
amended.

4. *The Public Service Act* is amended by adding thereto the following section:

Super-
annuation
of magis-
trates.

- 53a.—(1) This Part shall apply and extend to any magistrate who receives a stated annual salary from a city to which he is assigned and who,—

- (a) on the 1st day of January, 1941, was a magistrate and might serve for a period of twenty years thereafter before reaching the age of seventy-five years;
- (b) was appointed after the 1st day of January, 1941, and before the date of the coming into force of *The Magistrates Amendment Act, 1941*, and who at the time of his appointment might serve for a period of twenty years before reaching the age of seventy-five years; or
- (c) is appointed after the date of the coming into force of *The Magistrates Amendment Act, 1941*, and who at the time of his appointment may serve for a period of fifteen years before reaching the age of seventy years,

and every such magistrate shall, for the purposes of this Part, be deemed to be an employee.

Manner of
making
contribu-
tions.

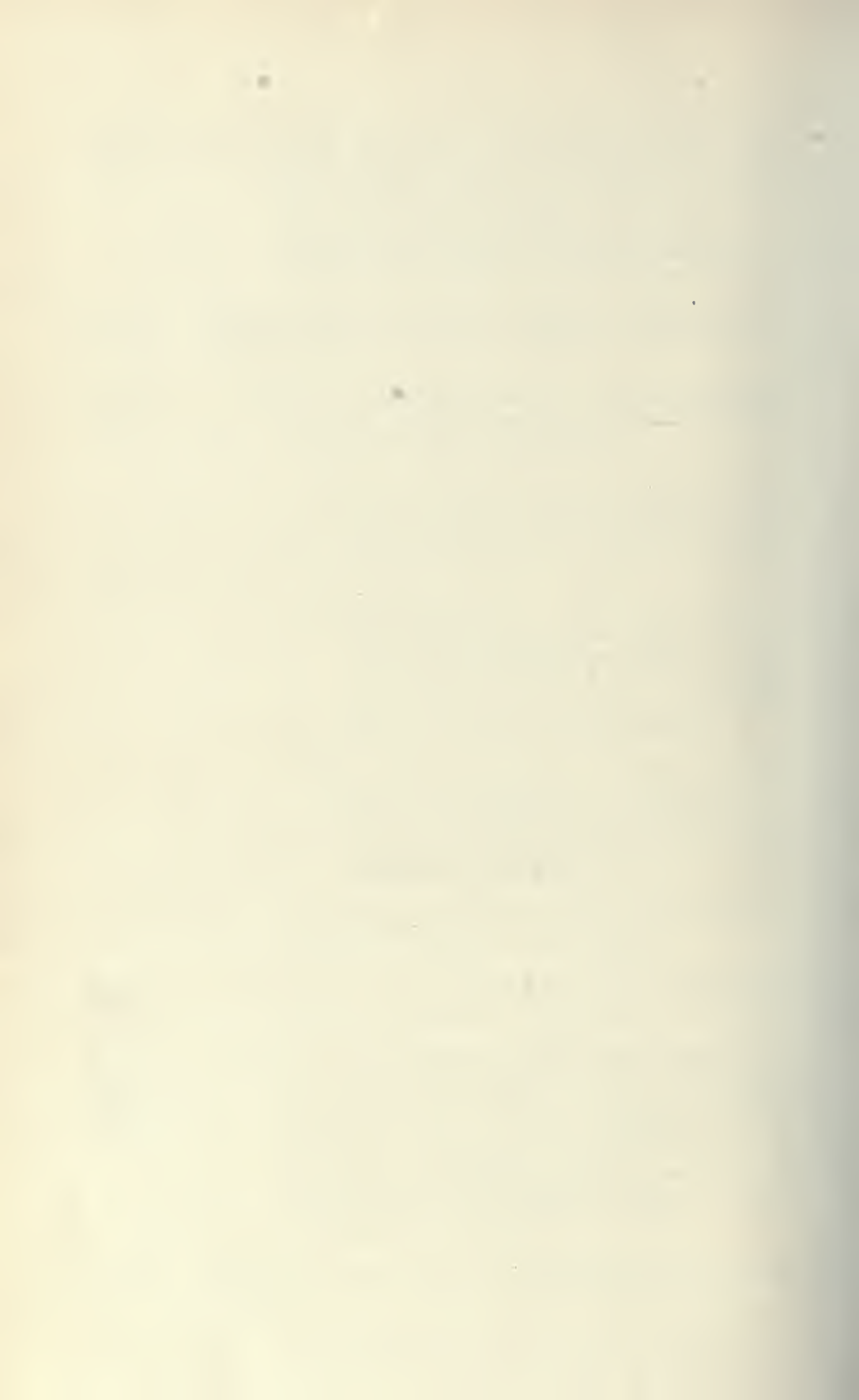
- (2) The Board may prescribe the manner in which such magistrates shall make contributions to the Fund.

Where
magistrate
fails to
comply with
requirements
of Board.

- (3) Where any magistrate fails to make contributions to the Fund in the manner prescribed by the Board, the Board may by notice in writing require the treasurer of the city which is charged with the payment of the magistrate's salary to deduct from his salary such amounts as such magistrate is required to pay into the Fund and to pay the amounts so deducted to the Board.

Short title.

5. This Act may be cited as *The Public Service Amendment Act, 1941*.



BILL

An Act to amend The Public Service Act.

1st Reading

April 2nd, 1941

2nd Reading

3rd Reading

MR. CONANT

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Public Service Act.

MR. CONANT

BILL

An Act to amend The Public Service Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 15, s. 26,
subs. 1,
cl. a,
amended.

1. Clause *a* of subsection 1 of section 26 of *The Public Service Act* is amended by inserting after the word "years" where it occurs the first time in the second line the words "or in the case of a magistrate holding office at the date of the coming into force of *The Magistrates Amendment Act, 1941*, the age of seventy-five years", so that the said clause shall now read as follows:

- (a) Every employee who having attained the age of seventy years, or in the case of a magistrate holding office at the date of the coming into force of *The Magistrates Amendment Act, 1941*, the age of seventy-five years, and having served at least ten years continuously in the public service retires therefrom.

Rev. Stat.,
c. 15, s. 30,
amended.

2. Section 30 of *The Public Service Act* is amended by adding thereto the following subsection:

Where
employee
becomes
contributor
under
Dominion
Act.

- (6) Where an employee is appointed to the civil service of the Government of Canada and provision is made in or under any Act of the Parliament of Canada permitting him to become a contributor under *The Civil Service Superannuation Act* (Canada) and allowing him appropriate credit for contributions made under this Act, the Board may direct that the amount of all contributions made under this Act by such employee and by the Government on his behalf with interest thereon, be paid to the Consolidated Revenue Fund of Canada.

Rev. Stat.,
c. 15, s. 38,
amended.

3. Section 38 of *The Public Service Act* is amended by inserting after the figures "48" in the first line the words "and of *The Magistrates Act*" so that the said section shall now read as follows:

38. Subject to the provisions of sections 47 and 48 and of *The Magistrates Act*, and notwithstanding anything contained in any Act relating to any department, branch, or office in the public service or in any other Act of this Legislature, every employee, no matter by what tenure he holds office, shall cease to hold office upon attaining the age of seventy years.

Compulsory retirement.
Rev. Stat.,
c. 133.

4. *The Public Service Act* is amended by adding thereto the following section:

Rev. Stat.,
c. 15,
amended.

53a.—(1) This Part shall apply and extend to any magistrate who receives a stated annual salary from a city to which he is assigned and who,—

Super-annuation
of magistrates.

- (a) on the 1st day of January, 1941, was a magistrate and might serve for a period of twenty years thereafter before reaching the age of seventy-five years;
- (b) was appointed after the 1st day of January, 1941, and before the date of the coming into force of *The Magistrates Amendment Act, 1941*, and who at the time of his appointment might serve for a period of twenty years before reaching the age of seventy-five years; or
- (c) is appointed after the date of the coming into force of *The Magistrates Amendment Act, 1941*, and who at the time of his appointment may serve for a period of fifteen years before reaching the age of seventy years,

and every such magistrate shall, for the purposes of this Part, be deemed to be an employee.

- (2) The Board may prescribe the manner in which such magistrates shall make contributions to the Fund.
- (3) Where any magistrate fails to make contributions to the Fund in the manner prescribed by the Board, the Board may by notice in writing require the treasurer of the city which is charged with the payment of the magistrate's salary to deduct from his salary such amounts as such magistrate is required to pay into the Fund and to pay the amounts so deducted to the Board.

Manner of making contributions.

Where magistrate fails to comply with requirements of Board.

5. This Act may be cited as *The Public Service Amendment Act, 1941*.

Short title.

BILL

An Act to amend The Public Service Act.

1st Reading

April 2nd, 1941

2nd Reading

April 4th, 1941

3rd Reading

April 8th, 1941

MR. CONANT

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Highway Traffic Act.

MR. McQUESTEN

BILL

An Act to amend The Highway Traffic Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 288, s. 10,
subs. 3,
repealed.

1.—(1) Subsection 3 of section 10 of *The Highway Traffic Act* is repealed.

Rev. Stat.,
c. 288, s. 10,
subs. 16,
amended.

(2) Subsection 16 of the said section 10 is amended by striking out the word "section" in the ninth line and inserting in lieu thereof the word "subsection," by inserting after the word "to" in the ninth line the words "an ambulance," and by inserting after the words "of a" in the tenth line the words "police force, police department or," so that the said subsection shall now read as follows:

Spotlights,—
position of.

(16) No spotlight or searchlight or other auxiliary lamp shall be attached to any part of a motor vehicle higher than the head lamps of such vehicle, and the ray of light from any such spotlight, searchlight or auxiliary lamp shall be directed to the extreme right of the travelled portion of the highway in such a manner that the beam of light shall strike the highway within seventy-five feet of the vehicle, provided that this shall not prevent the use of what are commonly known as cowl or side lamps or clearance lamps, nor shall this subsection apply to an ambulance, a motor vehicle of a police force, police department or municipal fire department, or a motor vehicle used by a public service corporation, commission or board for locating breaks in or trouble with overhead wiring.

Proviso.

Rev. Stat.,
c. 288,
amended.

2. *The Highway Traffic Act* is amended by adding thereto the following section:

Rebuilt tires
to be
marked.

13a.—(1) No person shall rebuild any tire designed for use upon a motor vehicle unless he causes it to be indicated in letters of not less than one-half inch

EXPLANATORY NOTES

SECTION 1, subsection 1. The provision of the Act which permits cowl or parking lights on a motor vehicle when it is being operated on a lighted street, is repealed.

Subsection 2. Moveable spotlights or searchlights are now permitted on vehicles of a municipal fire department or public service corporation or commission. The amendment permits their use on ambulances and police department vehicles.

SECTION 2. The sale of rebuilt tires is prohibited unless the tire is clearly marked as having been rebuilt.

in height, clearly embossed upon or imposed or cut into the wall of such tire, that it has been rebuilt.

Idem.

- (2) No person shall sell, offer or expose for sale, or have in his possession with intent to sell any tire designed for use upon a motor vehicle which has been rebuilt unless it is indicated in letters of not less than one-half inch in height, clearly embossed upon or imposed or cut into the wall of such tire, that it has been rebuilt.

"Rebuild,"
meaning of.

- (3) In this section "rebuild" shall mean to make or impose a new tread or new surface or to otherwise alter the surface of a used tire so that it will resemble a new tire, by cutting into or adding rubber to the surface thereof, or by a combination of both.

Penalty.

- (4) Any person who violates the provisions of subsection 1 or 2 shall incur, for the first offence, a penalty of not more than \$25; for a second offence, a penalty of not more than \$50, and for a third or any subsequent offence, a penalty of not more than \$100.

Rev. Stat.,
c. 288, s. 24,
subs. 4,
amended.

3. Subsection 4 of section 24 of *The Highway Traffic Act* is amended by inserting after the word "vehicles" in the second line the words "or bicycles" and by striking out all the words after the word "proper" in the fourth line, so that the said subsection shall now read as follows:

Right of
entry and
inspection.

- (4) Any peace officer may enter into any place where motor vehicles or bicycles are stored or dealt in, or into any garage, parking station, parking lot or used car lot required to be licensed and make such investigation and inspection as he thinks proper.

Rev. Stat.,
c. 288, s. 25,
subs. 1,
amended.

4.—(1) Subsection 1 of section 25 of *The Highway Traffic Act* is amended by inserting after the word "vehicles" in the second line the words "or bicycles" and by inserting after the word "vehicles" in the third and fourth lines respectively the words "and bicycles," so that the said subsection shall now read as follows:

Record of
second-hand
vehicles
bought,
sold, etc.

- (1) All persons who buy, sell, wreck or otherwise deal in second-hand motor vehicles or bicycles shall keep a correct record of all motor vehicles and bicycles bought, sold or wrecked and of such information as will enable such motor vehicles and bicycles to be readily identified, and shall transmit within six days to the Department, on forms furnished by the Department, a statement of each motor vehicle bought, sold or wrecked by them and such informa-

SECTION 3. The provision which permits peace officers to enter any place where motor vehicles are stored or dealt in in order to make an investigation or inspection is extended to apply to places where bicycles are stored or dealt in.

SECTION 4. The provisions of the Act requiring dealers in second-hand motor vehicles to keep records, and prohibiting the sale by such dealers of motor vehicles where the serial number has been removed or defaced, are extended to apply also in the case of bicycles.

tion with reference thereto as may be required by the Department.

Rev. Stat.,
c. 288,
s. 25,
subs. 2,
amended.

(2) Subsection 2 of the said section 25 is amended by inserting after the word "vehicle" in the second line the words "or bicycle," so that the said subsection shall now read as follows:

Prohibition
as to buying
where num-
ber obliterated.

(2) No person shall buy, sell, wreck or otherwise deal with any motor vehicle or bicycle where the manufacturer's serial number or similar identifying mark has been obliterated or defaced or is not readily recognizable.

Rev. Stat.,
c. 288, s. 25,
subs. 3,
amended.

(3) Subsection 3 of the said section 25 is amended by adding at the end thereof the words "or from a bicycle," so that the said subsection shall now read as follows:

Defacing
serial
number.

(3) No person shall deface or remove the manufacturer's serial number or identifying mark from a motor vehicle or from the engine thereof, or from a bicycle.

Rev. Stat.,
c. 288, s. 26,
subs. 1,
amended.

5.—(1) Subsection 1 of section 26 of *The Highway Traffic Act* is amended by striking out all the words after the word "purpose" in the eighth line, so that the said subsection shall now read as follows:

Rate of
speed within
city, town
or village.

(1) No motor vehicle shall be driven upon any highway within a city, town or village at a greater rate of speed than thirty miles per hour; but the council of a city, town or village may by by-law set apart any highway or any part thereof on which motor vehicles may be driven at a greater rate of speed for the purpose of testing the same, and may pass by-laws for regulating and governing the use of any such highway or part thereof for such purpose.

Rev. Stat.,
c. 288, s. 26,
amended.

(2) The said section 26 as amended by section 5 of *The Highway Traffic Amendment Act, 1939*, is further amended by adding thereto the following subsections:

Rate of
speed,—
public parks.

(1a) The council of any city, town or village may by by-law prescribe a lower speed limit for motor vehicles when operated in any public park or exhibition ground, providing that such lower speed limit shall not be less than fifteen miles per hour.

Fire depart-
ment
vehicles.

(1b) Subsections 1 and 1a shall not apply to a motor vehicle of a municipal fire department while proceeding to a fire or answering a fire alarm call.

SECTION 5, subsections 1 and 2. Under the present provisions the council of a city, town or village may prescribe a speed limit of fifteen miles per hour within any public park or exhibition grounds. The amendment permits the council to prescribe any speed limit between fifteen and thirty miles per hour as circumstances may warrant.

Rev. Stat.,
c. 288, s. 26,
amended.

(3) The said section 26, as amended by section 5 of *The Highway Traffic Amendment Act, 1939*, is further amended by adding thereto the following subsection:

Power of
Lieutenant-
Governor to
fix speed
limit.

(3b) The Lieutenant-Governor in Council may by reason of the density of population or number and proximity of buildings in any township, part of a township or in any unorganized part of Ontario prohibit a motor vehicle from being operated at a greater rate of speed than thirty miles per hour on any part of the King's Highway located within such township, part of a township or other part of Ontario, and in such case notices regarding the speed limit shall be posted on that part of the King's Highway in accordance with the regulations of the Department.

Rev. Stat.,
c. 288, s. 26,
subs. 4,
amended.

(4) Subsection 4 of the said section 26 is amended by inserting after the word "section" in the second line the words "or any by-law or Order-in-Council passed under this section" so that the said subsection shall now read as follows:

Penalty.

(4) Any person who violates any of the provisions of this section or any by-law or Order-in-Council passed under this section shall incur, for the first offence, a penalty of not less than \$5 and not more than \$50; for the second offence a penalty of not less than \$10 and not more than \$100, and in addition, his license or permit may be suspended for any period not exceeding three months, and for any subsequent offence shall incur a penalty of not less than \$20 and not more than \$200, and in addition, his license or permit may be suspended for any period not exceeding six months.

Rev. Stat.,
c. 288, s. 27,
subs. 1,
(1939, c. 20,
s. 6),
amended.

6. Subsection 1 of section 27 of *The Highway Traffic Act*, as re-enacted by section 6 of *The Highway Traffic Amendment Act, 1939*, is amended by striking out the word "motor" in the first line, so that the said subsection shall now read as follows:

Careless
driving.

(1) Every person who drives a vehicle on a highway without due care and attention or without reasonable consideration for other persons using the highway shall be guilty of an offence and shall be liable in the case of a first offence to a penalty of not less than \$5 and not exceeding \$50, and in the case of a second or subsequent offence, within one year of the commission of the first offence, to a penalty of not less than \$10 and not exceeding \$100, or to imprisonment for a term not exceeding one month.

Penalty.

Subsection 3. The Lieutenant-Governor in Council is authorized to prescribe a speed limit of thirty miles per hour upon any part of the King's Highway located within a township or unorganized territory where such action is warranted because of density of population or because of the number and proximity of buildings. The present law provides for the reduction of the speed limit only by by-law of a township council.

Subsection 4. The provision prescribing penalties for violations of section 26 of *The Highway Traffic Act* is clarified by specifically providing that the penalties therein prescribed shall be for the violation of a by-law or Order-in-Council passed under section 26.

SECTION 6. The careless driving provisions of *The Highway Traffic Act* are extended to include a person driving any vehicle. At present the section applies only to a person driving a motor vehicle.

Rev. Stat.,
c. 288, s. 33,
subs. 2,
cl. a,
amended.

7.—(1) Clause *a* of subsection 2 of section 33 of *The Highway Traffic Act* is amended by striking out the word "twenty-four" in the third line and inserting in lieu thereof the word "twenty-six," and by striking out the word "fifteen" in the fifth line and inserting in lieu thereof the word "sixteen," so that the said clause shall now read as follows:

As to weight
upon four
wheels with
two driving
axles.

- (a) The gross weight of a vehicle of four wheels with two driving axles spaced more than eight feet apart and of a public vehicle shall not exceed twenty-six thousand pounds and the weight upon one axle shall not exceed sixteen thousand pounds.

Rev. Stat.,
c. 288, s. 33,
subs. 2,
cl. b,
amended.

(2) Clause *b* of subsection 2 of the said section 33 is amended by striking out the word "thirty" in the fourth line and inserting in lieu thereof the word "thirty-four" and by striking out the word "fifteen" in the sixth line and inserting in lieu thereof the word "sixteen," so that the said clause shall now read as follows:

As to weight.
upon six
wheels.

- (b) The gross weight of a vehicle of six wheels so designed that under any loading conditions the ratio of the weight on the middle axle to the weight on the rear axle remains constant, shall not exceed thirty-four thousand pounds and the weight on one axle shall not exceed sixteen thousand pounds.

Rev. Stat.,
c. 288, s. 33,
subs. 2,
cl. d,
amended.

(3) Clause *d* of subsection 2 of the said section 33 is amended by striking out the word "twenty" in the second line and inserting in lieu thereof the word "twenty-two," and by striking out the word "fifteen" in the fourth line and inserting in lieu thereof the word "sixteen," so that the said clause shall now read as follows:

As to weight
of other
vehicles.

- (d) The gross weight of a vehicle other than those mentioned in clauses *a*, *b* and *c* shall not exceed twenty-two thousand pounds and the weight upon one axle shall not exceed sixteen thousand pounds, and if axles are spaced less than eight feet apart the weight on one axle shall not exceed twelve thousand pounds.

Rev. Stat.,
c. 288, s. 33,
subs. 5, re-
enacted.

(4) Subsection 5 of the said section 33 is repealed and the following substituted therefor:

Width of
tires.

- (5) The Lieutenant-Governor in Council may make regulations prescribing the minimum width of tires with which any vehicle operated upon a highway shall be equipped.

--- SECTION 7, subsections 1, 2 and 3. The amendments proposed in these subsections have the effect of increasing the permissible gross weight of motor vehicles of the several classes mentioned.

Subsection 4. The subsection containing the table which prescribes the minimum tire widths is repealed and provision is made for taking care of these requirements by regulation.

Rev. Stat.,
c. 288, s. 35,
subs. 1,
amended.

8.—(1) Subsection 1 of section 35 of *The Highway Traffic Act* is amended by inserting at the commencement thereof the words "subject to the provisions of subsection 1 of section 21 of *The Public Vehicle Act*," so that the said subsection shall now read as follows:

Prohibition
as to carry-
ing load in
excess of
permit.

- (1) Subject to the provisions of subsection 1 of section 21 of *The Public Vehicle Act* no motor vehicle or trailer having a permit issued under this Act, the fee for which is based upon the weight of the vehicle and load, shall at any time when upon a public highway, carry a load in excess of that for which the permit was issued as stated upon such permit, and for which the fee therefor was estimated.

Rev. Stat.,
c. 288, s. 35,
subs. 7,
amended.

(2) Subsection 7 of the said section 35 is amended by inserting after the word "year" in the fourth line the words "or that the provisions of subsections 3 and 4 shall not apply to any or all highways under its jurisdiction," so that the said subsection shall now read as follows:

Extension of
period by
municipality
or other
authority.

- (7) The municipal corporation or other authority having jurisdiction over any highway, may declare the provisions of subsections 3, 4 and 5 to extend and apply to highways under its jurisdiction during any period of the year or that the provisions of subsections 3 and 4 shall not apply to any or all highways under its jurisdiction; provided, however, that a by-law of a municipality passed under the authority of this subsection, shall not take effect until it has received the approval of the Minister.

Rev. Stat.,
c. 288,
s. 36, subs. 3,
amended.

9.—(1) Subsection 3 of section 36 of *The Highway Traffic Act* is amended by inserting after the word "machine" in the first line the words "capable of weighing a vehicle," and by striking out the word "any" in the third line and inserting in lieu thereof the word "such," so that the said subsection shall now read as follows:

Production
of inventory
showing
weight of
truck and
load.

- (3) When a weighing machine capable of weighing a vehicle cannot be reached within the prescribed distance, or in lieu of proceeding to such weighing machine, the driver of such vehicle shall produce forthwith an inventory showing the true weight of the vehicle and the goods or load thereon, verified in writing by the owner of such vehicle.

Rev. Stat.,
c. 288, s. 36,
amended.

(2) The said section 36 is amended by adding thereto the following subsection:

Trailers.

- (6) For the purposes of this section,

SECTION 8, subsection 1. The provision limiting the load of a motor vehicle is made consistent with *The Public Vehicle Act*.

Subsection 2. A municipal corporation may now extend the period, within which "half-load restrictions" apply to highways under its jurisdiction. The amendment permits a municipal council to also exempt highways under its jurisdiction from the application of the "half-load restrictions" of the Act.

SECTION 9, subsection 1. The section respecting the weighing of loads is clarified by providing that where a weighing machine is referred to, a weighing machine capable of weighing the vehicle in question, is intended.

Subsection 2. The section providing for the weighing of loads is clarified with regard to the weighing of combinations of vehicles consisting of a motor vehicle and semi-trailer.

- (a) a combination of vehicles consisting of a motor vehicle and semi-trailer shall be deemed to be one vehicle; and
- (b) "semi-trailer" shall mean any trailer which is so designed that, when operated, the forward part of its body or chassis rests upon the body or chassis of the towing vehicle.

Rev. Stat.,
c. 288, s. 39,
amended.

10.—(1) Section 39 of *The Highway Traffic Act* is amended by adding thereto the following subsection:

"Intersection,"—
what to
include.

- (3a) For the purposes of subsections 2 and 3 "intersection" shall include any portion of a highway distinctly indicated as a crossing place for pedestrians by lines or other markings on the surface of the highway.

Rev. Stat.,
c. 288, s. 39,
subs. 18a
(1940, c. 9,
s. 4, subs. 2),
repealed.

(2) Subsection 18a of the said section 39 as enacted by subsection 2 of section 4 of *The Highway Traffic Amendment Act, 1940*, is repealed.

Rev. Stat.,
c. 288, s. 40,
subs. 1,
amended.

11.—(1) Subsection 1 of section 40 of *The Highway Traffic Act* is amended by inserting after the word "vehicle" in the eighth line the words "and of the highway for at least four hundred feet beyond the vehicle", by striking out the word "two" in the eighth line and inserting in lieu thereof the word "four", and by inserting after the word "feet" in the ninth line the words "from the vehicle," so that the subsection shall now read as follows:

Parking cars
on highways.

- (1) No person shall park or leave standing any vehicle whether attended or unattended, upon the travelled portion of a highway, outside of a city, town or village, when it is practicable to park or leave such vehicle off the travelled portion of such highway; provided, that in any event, no person shall park or leave standing any vehicle, whether attended or unattended, upon such a highway unless a clear view of such vehicle and of the highway for at least four hundred feet beyond the vehicle may be obtained from a distance of at least four hundred feet from the vehicle in each direction upon such highway.

Rev. Stat.,
c. 288, s. 40,
subs. 5,
amended.

(2) Subsection 5 of the said section 40 as amended by subsection 2 of section 9 of *The Highway Traffic Amendment Act, 1938*, is further amended by striking out the words "and its lighting equipment are" in the first and second lines and inserting in lieu thereof the words, "or trailer is" and by striking out the words "commercial motor" in the third and fourth lines, so that the said subsection shall now read as follows:

SECTION 10. For clarity subsection 18a of section 19, which defines "intersection" is limited in its application to subsections 2 and 3 of section 39 and the position of the subsection is accordingly altered.

SECTION 11, subsection 1. Under the present law a vehicle may be parked upon the travelled portion of a highway outside a city, town or village only where a clear view of the vehicle may be had for 200 feet in either direction. This permits a vehicle to be parked at the brow of a hill in which case, although the vehicle is visible from a distance of 200 feet, a view of the highway beyond the vehicle is not. The amendment corrects the situation by requiring the vehicle to be parked in such a manner that drivers of approaching vehicles have a clear view of the highway beyond the parked vehicle.

Subsection 2. At present where a commercial motor vehicle and its lighting equipment are disabled at night, flares must be placed on the highway. The proposed amendment requires flares to be placed where a vehicle is disabled whether or not its lighting system is disabled. The provision will hereafter also apply to trailers.

Flares on disabled commercial motor vehicle.

- (5) Whenever any commercial motor vehicle or trailer is disabled during the period when lighted lamps are required to be displayed on vehicles and such vehicle cannot immediately be removed from the travelled portion of a highway outside a city, town or village, the driver or other person in charge of such vehicle shall cause such flares, lamps or lanterns to be lighted, placed and maintained upon the highway until dawn or the removal of such vehicle, one at a distance of approximately one hundred feet in advance of such vehicle and one at a distance of approximately one hundred feet to the rear of the vehicle.

Rev. Stat., c. 288, s. 50, subs. 2, amended.

12. Subsection 2 of section 50 of *The Highway Traffic Act* is amended by striking out the word "or" where it occurs the first time in the second line and inserting in lieu thereof the words "who does not reside or carry on business in Ontario for more than six consecutive months in any one year or to a resident", and by striking out the words "provided such person does not remain in Ontario for more than thirty days in any one year and" in the fourth and fifth lines and inserting in lieu thereof the words "who does not reside in Ontario for more than three consecutive months in any one year provided such person", so that the said subsection shall now read as follows:

Non-resident's license.

- (2) The provisions of subsection 1 shall not apply to a resident of any other province of Canada who does not reside or carry on business in Ontario for more than six consecutive months in any one year or to a resident of a country or state which grants similar exemptions and privileges to residents of Ontario, who does not reside in Ontario for more than three consecutive months in any one year provided such person is the holder of a chauffeur's or operator's license issued by the province, country or state in which he resides.

Rev. Stat., c. 288, s. 51, re-enacted.

13. Section 51 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Intoxicated persons not to drive.

51. The license or permit or, in case the licensee is also the owner of the motor vehicle, then both the license and permit of a person who is convicted of any offence under subsection 4 of section 285 of the *Criminal Code* is thereupon and hereby suspended for a period of—

R.S.C., c. 36.

(a) three months upon the first offence;

SECTIONS 12 and 15. The sections of the Act relating to drivers' licenses are made consistent with the sections relating to the licensing and registration of non-residents' motor vehicles.

SECTION 13. Section 51 of *The Highway Traffic Act* which provides for the suspension of the license or permit of any person who is convicted of driving a motor vehicle while intoxicated, is re-enacted to render it consistent with the existing law. Section 51 prohibits any intoxicated person from driving a motor vehicle. Since the enactment of section 51, however, subsection 4 of section 285 of the *Criminal Code* has been enacted and the operation of a motor vehicle by an intoxicated person is now an offence under the *Code*.

(b) six months upon the second offence;

(c) twelve months upon the third or any subsequent offence;

Proviso.

provided that if an order is made under subsection 7 of section 285 of the *Criminal Code* upon a conviction under subsection 4 of section 285 of the *Criminal Code* prohibiting a person from driving a motor vehicle for any longer period, the license or permit or both shall remain suspended during such longer period.

Rev. Stat.,
c. 288, s. 59,
repealed.

14. Section 59 of *The Highway Traffic Act* as amended by section 11 of *The Highway Traffic Amendment Act, 1938*, is repealed.

Rev. Stat.,
c. 288, s. 75,
(1938, c. 17,
s. 16),
amended.

15. Section 75 of *The Highway Traffic Act* as re-enacted by section 16 of *The Highway Traffic Amendment Act, 1938*, is amended by striking out the word "three" in the fifth line and inserting in lieu thereof the word "six", and by striking out the words "thirty days" in the eighth line and inserting in lieu thereof the words "three months", so that the said section shall now read as follows:

Exemption
as to non-
residents.

75. The provisions of this Part and of subsection 1 of section 19 and any regulations made thereunder shall not apply to residents of the other provinces of Canada who do not reside or carry on business in Ontario for more than six consecutive months in any one year, nor to residents of other countries or states who do not reside in Ontario for more than three months in any one year, provided such persons have complied with the provisions of the law of the province, country or state in which they reside as to the licensing of motor vehicle operators or chauffeurs.

Rev. Stat.,
c. 288, s. 92,
subs. 1,
amended.

16. Subsection 1 of section 92 of *The Highway Traffic Act* as amended by section 13 of *The Highway Traffic Amendment Act, 1939*, is further amended by striking out the word "three" in the sixth and ninth lines respectively, and inserting in lieu thereof the word "two", so that the said subsection shall now read as follows:

Cancellation
and return
of security.

(1) The Minister may waive the requirement of filing proof of financial responsibility or may cancel any bond or return any certificate of insurance, or the Treasurer may, at the request of the Minister, return any money or securities deposited pursuant to this Part, as proof of financial responsibility at any time

SECTION 14. Section 59 of *The Highway Traffic Act* which relates to the service of summonses for violations of *The Highway Traffic Act*, is repealed as the situation is now taken care of by Bill No. 47—*An Act to amend The Summary Convictions Act*.

SECTION 15. See explanatory note to section 12.

SECTION 16. This amendment authorizes the Minister to waive the requirement of filing proof of financial responsibility after the expiration of two years from the date such proof was required to be given, instead of three years as at present.

after two years from the date upon which such proof was required to be given, provided that the owner or driver on whose behalf such proof was given has not, during the said period, or any two-year period immediately preceding the request, been convicted of any offence mentioned in section 78, and provided that no action for damages is pending and no judgment is outstanding and unsatisfied in respect of personal injury or damage to property in excess of \$25 resulting from the operation of a motor vehicle, and a statutory declaration of the applicant under this section shall be sufficient evidence of the facts in the absence of evidence to the contrary in the records of the Registrar.

Rev. Stat.,
c. 288, s. 93,
subs. 1,
amended.

17. Subsection 1 of section 93 of *The Highway Traffic Act* is amended by striking out the words "for an owner's policy or a driver's policy, as the case may be" in the third line, so that the said subsection shall now read as follows:

Form of
policy.

Rev. Stat.,
c. 256.

- (1) A motor vehicle liability policy referred to in this Part shall be in the form prescribed by *The Insurance Act* and approved thereunder by the Superintendent of Insurance for the purposes of this Part.

Rev. Stat.,
c. 288,
amended.

18. *The Highway Traffic Act* is amended by adding thereto the following section:

Notification
of damage.

- 94a.—(1) Every person who, as a result of an accident or otherwise, operates or drives any vehicle or leads, rides or drives any animal upon the unpaved portion of any highway and thereby damages any shrub, tree, pole, light, sign, sod or other property upon the highway shall forthwith report such damage to a police officer or constable or to the Registrar.

Penalty for
failure to
notify of
damage.

- (2) Any person who violates the provisions of subsection 1 shall incur for the first offence, a penalty of not more than \$10; for a second offence, a penalty of not more than \$20; for a third offence, a penalty of not more than \$30, and for any subsequent offence, a penalty of not more than \$50.

Commence-
ment of Act.

19. This Act shall come into force on the 1st day of July, 1941.

Short title.

20. This Act may be cited as *The Highway Traffic Amendment Act, 1941*.

SECTION 17. At the present time subsection 1 of section 93 restricts the form of policy which may be certificated as proof of financial responsibility to an owner's policy or a driver's policy, as the case may be. As there are other forms of policy equally satisfactory this restriction is removed so that any policy approved by the Superintendent of Insurance may be used for this purpose.

SECTION 18. Persons who damage highway property are required to report such damage to a police officer or constable or to the Registrar of Motor Vehicles.



BILL

An Act to amend The Highway
Traffic Act.

1st Reading

April 2nd, 1941

2nd Reading

3rd Reading

MR. MCQUESTEN

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Highway Traffic Act.

MR. MCQUESTEN

*(Reprinted as amended in Committee
of the Whole House.)*

No. 85

1941

BILL

An Act to amend The Highway Traffic Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 288, s. 10,
subs. 3,
repealed.

1.—(1) Subsection 3 of section 10 of *The Highway Traffic Act* is repealed.

Rev. Stat.,
c. 288, s. 10,
subs. 16,
amended.

(2) Subsection 16 of the said section 10 is amended by striking out the word "section" in the ninth line and inserting in lieu thereof the word "subsection," by inserting after the word "to" in the ninth line the words "an ambulance," and by inserting after the words "of a" in the tenth line the words "police force, police department or," so that the said subsection shall now read as follows:

Spotlights,—
position of.

(16) No spotlight or searchlight or other auxiliary lamp shall be attached to any part of a motor vehicle higher than the head lamps of such vehicle, and the ray of light from any such spotlight, searchlight or auxiliary lamp shall be directed to the extreme right of the travelled portion of the highway in such a manner that the beam of light shall strike the highway within seventy-five feet of the vehicle, provided that this shall not prevent the use of what are commonly known as cowl or side lamps or clearance lamps, nor shall this subsection apply to an ambulance, a motor vehicle of a police force, police department or municipal fire department, or a motor vehicle used by a public service corporation, commission or board for locating breaks in or trouble with overhead wiring.

Proviso.

Rev. Stat.,
c. 288,
amended.

2. *The Highway Traffic Act* is amended by adding thereto the following section:

Rebuilt tires
to be
marked.

13a.—(1) No person shall rebuild any tire designed for use upon a motor vehicle unless he causes it to be indicated in letters of not less than one-half inch

EXPLANATORY NOTES

SECTION 1, subsection 1. The provision of the Act which permits cowl or parking lights on a motor vehicle when it is being operated on a lighted street, is repealed.

Subsection 2. Moveable spotlights or searchlights are now permitted on vehicles of a municipal fire department or public service corporation or commission. The amendment permits their use on ambulances and police department vehicles.

SECTION 2. The sale of rebuilt tires is prohibited unless the tire is clearly marked as having been rebuilt.

in height, clearly embossed upon or imposed or cut into the outside surface of each wall of such tire, that it has been rebuilt.

Idem.

- (2) No person shall sell, offer or expose for sale, or have in his possession with intent to sell any tire designed for use upon a motor vehicle which has been rebuilt unless it is indicated in letters of not less than one-half inch in height, clearly embossed upon or imposed or cut into the outside surface of each wall of such tire, that it has been rebuilt.

"Rebuild,"
meaning of.

- (3) In this section "rebuild" shall mean to make or impose a new tread or new surface or to otherwise alter the surface of a used tire so that it will resemble a new tire, by cutting into or adding rubber to the surface thereof, or by a combination of both.

Penalty.

- (4) Any person who violates the provisions of subsection 1 or 2 shall incur, for the first offence, a penalty of not more than \$25; for a second offence, a penalty of not more than \$50, and for a third or any subsequent offence, a penalty of not more than \$100.

Rev. Stat.,
c. 288, s. 24,
subs. 4,
amended.

3. Subsection 4 of section 24 of *The Highway Traffic Act* is amended by inserting after the word "vehicles" in the second line the words "or bicycles" and by striking out all the words after the word "proper" in the fourth line, so that the said subsection shall now read as follows:

Right of
entry and
inspection.

- (4) Any peace officer may enter into any place where motor vehicles or bicycles are stored or dealt in, or into any garage, parking station, parking lot or used car lot required to be licensed and make such investigation and inspection as he thinks proper.

Rev. Stat.,
c. 288, s. 25,
subs. 1,
amended.

4.—(1) Subsection 1 of section 25 of *The Highway Traffic Act* is amended by inserting after the word "vehicles" in the second line the words "or bicycles" and by inserting after the word "vehicles" in the third and fourth lines respectively the words "and bicycles," so that the said subsection shall now read as follows:

Record of
second-hand
vehicles
bought,
sold, etc.

- (1) All persons who buy, sell, wreck or otherwise deal in second-hand motor vehicles or bicycles shall keep a correct record of all motor vehicles and bicycles bought, sold or wrecked and of such information as will enable such motor vehicles and bicycles to be readily identified, and shall transmit within six days to the Department, on forms furnished by the Department, a statement of each motor vehicle bought, sold or wrecked by them and such informa-

SECTION 3. The provision which permits peace officers to enter any place where motor vehicles are stored or dealt in in order to make an investigation or inspection is extended to apply to places where bicycles are stored or dealt in.

SECTION 4. The provisions of the Act requiring dealers in second-hand motor vehicles to keep records, and prohibiting the sale by such dealers of motor vehicles where the serial number has been removed or defaced, are extended to apply also in the case of bicycles.

tion with reference thereto as may be required by the Department.

Rev. Stat.,
c. 288,
s. 25,
subs. 2,
amended.

(2) Subsection 2 of the said section 25 is amended by inserting after the word "vehicle" in the second line the words "or bicycle," so that the said subsection shall now read as follows:

Prohibition
as to buying
where num-
ber obliterated.

(2) No person shall buy, sell, wreck or otherwise deal with any motor vehicle or bicycle where the manufacturer's serial number or similar identifying mark has been obliterated or defaced or is not readily recognizable.

Rev. Stat.,
c. 288, s. 25,
subs. 3,
amended.

(3) Subsection 3 of the said section 25 is amended by adding at the end thereof the words "or from a bicycle," so that the said subsection shall now read as follows:

Defacing
serial
number.

(3) No person shall deface or remove the manufacturer's serial number or identifying mark from a motor vehicle or from the engine thereof, or from a bicycle.

Rev. Stat.,
c. 288, s. 26,
subs. 1,
amended.

5.—(1) Subsection 1 of section 26 of *The Highway Traffic Act* is amended by striking out all the words after the word "purpose" in the eighth line, so that the said subsection shall now read as follows:

Rate of
speed within
city, town
or village.

(1) No motor vehicle shall be driven upon any highway within a city, town or village at a greater rate of speed than thirty miles per hour; but the council of a city, town or village may by by-law set apart any highway or any part thereof on which motor vehicles may be driven at a greater rate of speed for the purpose of testing the same, and may pass by-laws for regulating and governing the use of any such highway or part thereof for such purpose.

Rev. Stat.,
c. 288, s. 26,
amended.

(2) The said section 26 as amended by section 5 of *The Highway Traffic Amendment Act, 1939*, is further amended by adding thereto the following subsections:

Rate of
speed,
public parks.

(1a) The council of any city, town or village may by by-law prescribe a lower speed limit for motor vehicles when operated in any public park or exhibition ground, providing that such lower speed limit shall not be less than fifteen miles per hour.

Fire depart-
ment
vehicles.

(1b) Subsections 1 and 1a shall not apply to a motor vehicle of a municipal fire department while proceeding to a fire or answering a fire alarm call.

SECTION 5, subsections 1 and 2. Under the present provisions the council of a city, town or village may prescribe a speed limit of fifteen miles per hour within any public park or exhibition grounds. The amendment permits the council to prescribe any speed limit between fifteen and thirty miles per hour as circumstances may warrant.

Rev. Stat.,
c. 288, s. 26,
amended.

(3) The said section 26, as amended by section 5 of *The Highway Traffic Amendment Act, 1939*, is further amended by adding thereto the following subsection:

Power of
Lieutenant-
Governor to
fix speed
limit.

- (3b) The Lieutenant-Governor in Council may by reason of the density of population or number and proximity of buildings in any township, part of a township or in any unorganized part of Ontario prohibit a motor vehicle from being operated at a greater rate of speed than thirty miles per hour on any part of the King's Highway located within such township, part of a township or other part of Ontario, and in such case notices regarding the speed limit shall be posted on that part of the King's Highway in accordance with the regulations of the Department.

Rev. Stat.,
c. 288, s. 26,
subs. 4,
amended.

(4) Subsection 4 of the said section 26 is amended by inserting after the word "section" in the second line the words "or any by-law or Order-in-Council passed under this section" so that the said subsection shall now read as follows:

Penalty.

- (4) Any person who violates any of the provisions of this section or any by-law or Order-in-Council passed under this section shall incur, for the first offence, a penalty of not less than \$5 and not more than \$50; for the second offence a penalty of not less than \$10 and not more than \$100, and in addition, his license or permit may be suspended for any period not exceeding three months, and for any subsequent offence shall incur a penalty of not less than \$20 and not more than \$200, and in addition, his license or permit may be suspended for any period not exceeding six months.

Rev. Stat.,
c. 288, s. 27,
subs. 1,
(1939, c. 20,
s. 6),
amended.

6. Subsection 1 of section 27 of *The Highway Traffic Act*, as re-enacted by section 6 of *The Highway Traffic Amendment Act, 1939*, is amended by striking out the word "motor" in the first line, so that the said subsection shall now read as follows:

Careless
driving.

- (1) Every person who drives a vehicle on a highway without due care and attention or without reasonable consideration for other persons using the highway shall be guilty of an offence and shall be liable in the case of a first offence to a penalty of not less than \$5 and not exceeding \$50, and in the case of a second or subsequent offence, within one year of the commission of the first offence, to a penalty of not less than \$10 and not exceeding \$100, or to imprisonment for a term not exceeding one month.

Penalty.

Subsection 3. The Lieutenant-Governor in Council is authorized to prescribe a speed limit of thirty miles per hour upon any part of the King's Highway located within a township or unorganized territory where such action is warranted because of density of population or because of the number and proximity of buildings. The present law provides for the reduction of the speed limit only by by-law of a township council.

Subsection 4. The provision prescribing penalties for violations of section 26 of *The Highway Traffic Act* is clarified by specifically providing that the penalties therein prescribed shall be for the violation of a by-law or Order-in-Council passed under section 26.

SECTION 6. The careless driving provisions of *The Highway Traffic Act* are extended to include a person driving any vehicle. At present the section applies only to a person driving a motor vehicle.

Rev. Stat.,
c. 288, s. 33,
subs. 2,
cl. a,
amended.

7.—(1) Clause *a* of subsection 2 of section 33 of *The Highway Traffic Act* is amended by striking out the word “twenty-four” in the third line and inserting in lieu thereof the word “twenty-six,” and by striking out the word “fifteen” in the fifth line and inserting in lieu thereof the word “sixteen,” so that the said clause shall now read as follows:

As to weight
upon four
wheels with
two driving
axles.

- (a) The gross weight of a vehicle of four wheels with two driving axles spaced more than eight feet apart and of a public vehicle shall not exceed twenty-six thousand pounds and the weight upon one axle shall not exceed sixteen thousand pounds.

Rev. Stat.,
c. 288, s. 33,
subs. 2,
cl. b,
amended.

(2) Clause *b* of subsection 2 of the said section 33 is amended by striking out the word “thirty” in the fourth line and inserting in lieu thereof the word “thirty-four” and by striking out the word “fifteen” in the sixth line and inserting in lieu thereof the word “sixteen,” so that the said clause shall now read as follows:

As to weight.
upon six
wheels.

- (b) The gross weight of a vehicle of six wheels so designed that under any loading conditions the ratio of the weight on the middle axle to the weight on the rear axle remains constant, shall not exceed thirty-four thousand pounds and the weight on one axle shall not exceed sixteen thousand pounds.

Rev. Stat.,
c. 288, s. 33,
subs. 2,
cl. d,
amended.

(3) Clause *d* of subsection 2 of the said section 33 is amended by striking out the word “twenty” in the second line and inserting in lieu thereof the word “twenty-two,” and by striking out the word “fifteen” in the fourth line and inserting in lieu thereof the word “sixteen,” so that the said clause shall now read as follows:

As to weight
of other
vehicles.

- (d) The gross weight of a vehicle other than those mentioned in clauses *a*, *b* and *c* shall not exceed twenty-two thousand pounds and the weight upon one axle shall not exceed sixteen thousand pounds, and if axles are spaced less than eight feet apart the weight on one axle shall not exceed twelve thousand pounds.

Rev. Stat.,
c. 288, s. 33,
subs. 5, re-
enacted.

(4) Subsection 5 of the said section 33 is repealed and the following substituted therefor:

Width of
tires.

- (5) The Lieutenant-Governor in Council may make regulations prescribing the minimum width of tires with which any vehicle operated upon a highway shall be equipped.

SECTION 7, subsections 1, 2 and 3. The amendments proposed in these subsections have the effect of increasing the permissible gross weight of motor vehicles of the several classes mentioned.

Subsection 4. The subsection containing the table which prescribes the minimum tire widths is repealed and provision is made for taking care of these requirements by regulation.

Rev. Stat.,
c. 288, s. 35,
subs. 1,
amended.

8.—(1) Subsection 1 of section 35 of *The Highway Traffic Act* is amended by inserting at the commencement thereof the words "subject to the provisions of subsection 1 of section 21 of *The Public Vehicle Act*," so that the said subsection shall now read as follows:

Prohibition
as to carry-
ing load in
excess of
permit.

- (1) Subject to the provisions of subsection 1 of section 21 of *The Public Vehicle Act* no motor vehicle or trailer having a permit issued under this Act, the fee for which is based upon the weight of the vehicle and load, shall at any time when upon a public highway, carry a load in excess of that for which the permit was issued as stated upon such permit, and for which the fee therefor was estimated.

Rev. Stat.,
c. 288, s. 35,
subs. 7,
amended.

(2) Subsection 7 of the said section 35 is amended by inserting after the word "year" in the fourth line the words "or that the provisions of subsections 3 and 4 shall not apply to any or all highways under its jurisdiction," so that the said subsection shall now read as follows:

Extension of
period by
municipality
or other
authority.

- (7) The municipal corporation or other authority having jurisdiction over any highway, may declare the provisions of subsections 3, 4 and 5 to extend and apply to highways under its jurisdiction during any period of the year or that the provisions of subsections 3 and 4 shall not apply to any or all highways under its jurisdiction; provided, however, that a by-law of a municipality passed under the authority of this subsection, shall not take effect until it has received the approval of the Minister.

Rev. Stat.,
c. 288,
s. 36, subs. 3,
amended.

9.—(1) Subsection 3 of section 36 of *The Highway Traffic Act* is amended by inserting after the word "machine" in the first line the words "capable of weighing a vehicle," and by striking out the word "any" in the third line and inserting in lieu thereof the word "such," so that the said subsection shall now read as follows:

Production
of inventory
showing
weight of
truck and
load.

- (3) When a weighing machine capable of weighing a vehicle cannot be reached within the prescribed distance, or in lieu of proceeding to such weighing machine, the driver of such vehicle shall produce forthwith an inventory showing the true weight of the vehicle and the goods or load thereon, verified in writing by the owner of such vehicle.

Rev. Stat.,
c. 288, s. 36,
amended.

(2) The said section 36 is amended by adding thereto the following subsection:

Trailers.

- (6) For the purposes of this section,

SECTION 8, subsection 1. The provision limiting the load of a motor vehicle is made consistent with *The Public Vehicle Act*.

Subsection 2. A municipal corporation may now extend the period, within which "half-load restrictions" apply to highways under its jurisdiction. The amendment permits a municipal council to also exempt highways under its jurisdiction from the application of the "half-load restrictions" of the Act.

SECTION 9, subsection 1. The section respecting the weighing of loads is clarified by providing that where a weighing machine is referred to, a weighing machine capable of weighing the vehicle in question, is intended.

Subsection 2. The section providing for the weighing of loads is clarified with regard to the weighing of combinations of vehicles consisting of a motor vehicle and semi-trailer.

(a) a combination of vehicles consisting of a motor vehicle and semi-trailer shall be deemed to be one vehicle; and

(b) "semi-trailer" shall mean any trailer which is so designed that, when operated, the forward part of its body or chassis rests upon the body or chassis of the towing vehicle.

Rev. Stat.,
c. 288, s. 39,
amended.

10.—(1) Section 39 of *The Highway Traffic Act* is amended by adding thereto the following subsection:

"Intersec-
tion,"—
what to
include.

(3a) For the purposes of subsections 2 and 3 "inter-section" shall include any portion of a highway distinctly indicated as a crossing place for pedestrians by lines or other markings on the surface of the highway.

Rev. Stat.,
c. 288, s. 39,
subs. 18a
(1940, c. 9,
s. 4, subs. 2),
repealed.

(2) Subsection 18a of the said section 39 as enacted by subsection 2 of section 4 of *The Highway Traffic Amendment Act, 1940*, is repealed.

Rev. Stat.,
c. 288, s. 40,
subs. 1,
amended.

11.—(1) Subsection 1 of section 40 of *The Highway Traffic Act* is amended by inserting after the word "vehicle" in the eighth line the words "and of the highway for at least four hundred feet beyond the vehicle", by striking out the word "two" in the eighth line and inserting in lieu thereof the word "four", and by inserting after the word "feet" in the ninth line the words "from the vehicle," so that the subsection shall now read as follows:

Parking cars
on highways.

(1) No person shall park or leave standing any vehicle whether attended or unattended, upon the travelled portion of a highway, outside of a city, town or village, when it is practicable to park or leave such vehicle off the travelled portion of such highway; provided, that in any event, no person shall park or leave standing any vehicle, whether attended or unattended, upon such a highway unless a clear view of such vehicle and of the highway for at least four hundred feet beyond the vehicle may be obtained from a distance of at least four hundred feet from the vehicle in each direction upon such highway.

Rev. Stat.,
c. 288, s. 40,
subs. 5,
amended.

(2) Subsection 5 of the said section 40 as amended by subsection 2 of section 9 of *The Highway Traffic Amendment Act, 1938*, is further amended by striking out the words "and its lighting equipment are" in the first and second lines and inserting in lieu thereof the words, "or trailer is" and by striking out the words "commercial motor" in the third and fourth lines, so that the said subsection shall now read as follows:

SECTION 10. For clarity subsection 18a of section 19, which defines "intersection" is limited in its application to subsections 2 and 3 of section 39 and the position of the subsection is accordingly altered.

SECTION 11, subsection 1. Under the present law a vehicle may be parked upon the travelled portion of a highway outside a city, town or village only where a clear view of the vehicle may be had for 200 feet in either direction. This permits a vehicle to be parked at the brow of a hill in which case, although the vehicle is visible from a distance of 200 feet, a view of the highway beyond the vehicle is not. The amendment corrects the situation by requiring the vehicle to be parked in such a manner that drivers of approaching vehicles have a clear view of the highway beyond the parked vehicle.

Subsection 2. At present where a commercial motor vehicle and its lighting equipment are disabled at night, flares must be placed on the highway. The proposed amendment requires flares to be placed where a vehicle is disabled whether or not its lighting system is disabled. The provision will hereafter also apply to trailers.

Flares on disabled commercial motor vehicle.

- (5) Whenever any commercial motor vehicle or trailer is disabled during the period when lighted lamps are required to be displayed on vehicles and such vehicle cannot immediately be removed from the travelled portion of a highway outside a city, town or village, the driver or other person in charge of such vehicle shall cause such flares, lamps or lanterns to be lighted, placed and maintained upon the highway until dawn or the removal of such vehicle, one at a distance of approximately one hundred feet in advance of such vehicle and one at a distance of approximately one hundred feet to the rear of the vehicle.

Rev. Stat., c. 288, s. 50, subs. 2, amended.

12. Subsection 2 of section 50 of *The Highway Traffic Act* is amended by striking out the word "or" where it occurs the first time in the second line and inserting in lieu thereof the words "who does not reside or carry on business in Ontario for more than six consecutive months in any one year or to a resident", and by striking out the words "provided such person does not remain in Ontario for more than thirty days in any one year and" in the fourth and fifth lines and inserting in lieu thereof the words "who does not reside in Ontario for more than three consecutive months in any one year provided such person", so that the said subsection shall now read as follows:

Non-resident's license.

- (2) The provisions of subsection 1 shall not apply to a resident of any other province of Canada who does not reside or carry on business in Ontario for more than six consecutive months in any one year or to a resident of a country or state which grants similar exemptions and privileges to residents of Ontario, who does not reside in Ontario for more than three consecutive months in any one year provided such person is the holder of a chauffeur's or operator's license issued by the province, country or state in which he resides.

Rev. Stat., c. 288, s. 51, re-enacted.

13. Section 51 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Intoxicated persons not to drive.

51. The license or permit or, in case the licensee is also the owner of the motor vehicle, then both the license and permit of a person who is convicted of any offence under subsection 4 of section 285 of the *Criminal Code* is thereupon and hereby suspended for a period of—

R.S.C., c. 36.

- (a) three months upon the first offence;

SECTIONS 12 and 15. The sections of the Act relating to drivers' licenses are made consistent with the sections relating to the licensing and registration of non-residents' motor vehicles.

SECTION 13. Section 51 of *The Highway Traffic Act* which provides for the suspension of the license or permit of any person who is convicted of driving a motor vehicle while intoxicated, is re-enacted to render it consistent with the existing law. Section 51 prohibits any intoxicated person from driving a motor vehicle. Since the enactment of section 51, however, subsection 4 of section 285 of the *Criminal Code* has been enacted and the operation of a motor vehicle by an intoxicated person is now an offence under the *Code*.

(b) six months upon the second offence;

(c) twelve months upon the third or any subsequent offence;

Proviso.

provided that if an order is made under subsection 7 of section 285 of the *Criminal Code* upon a conviction under subsection 4 of section 285 of the *Criminal Code* prohibiting a person from driving a motor vehicle for any longer period, the license or permit or both shall remain suspended during such longer period.

Rev. Stat.,
c. 288, s. 59,
repealed.

14. Section 59 of *The Highway Traffic Act* as amended by section 11 of *The Highway Traffic Amendment Act, 1938*, is repealed.

Rev. Stat.,
c. 288, s. 75,
(1938, c. 17,
s. 16),
amended.

15. Section 75 of *The Highway Traffic Act* as re-enacted by section 16 of *The Highway Traffic Amendment Act, 1938*, is amended by striking out the word "three" in the fifth line and inserting in lieu thereof the word "six", and by striking out the words "thirty days" in the eighth line and inserting in lieu thereof the words "three months", so that the said section shall now read as follows:

Exemption
as to non-
residents.

75. The provisions of this Part and of subsection 1 of section 19 and any regulations made thereunder shall not apply to residents of the other provinces of Canada who do not reside or carry on business in Ontario for more than six consecutive months in any one year, nor to residents of other countries or states who do not reside in Ontario for more than three months in any one year, provided such persons have complied with the provisions of the law of the province, country or state in which they reside as to the licensing of motor vehicle operators or chauffeurs.

Rev. Stat.,
c. 288, s. 92,
subs. 1,
amended.

16. Subsection 1 of section 92 of *The Highway Traffic Act* as amended by section 13 of *The Highway Traffic Amendment Act, 1939*, is further amended by striking out the word "three" in the sixth and ninth lines respectively, and inserting in lieu thereof the word "two", so that the said subsection shall now read as follows:

Cancellation
and return
of security.

(1) The Minister may waive the requirement of filing proof of financial responsibility or may cancel any bond or return any certificate of insurance, or the Treasurer may, at the request of the Minister, return any money or securities deposited pursuant to this Part, as proof of financial responsibility at any time

SECTION 14. Section 59 of *The Highway Traffic Act* which relates to the service of summonses for violations of *The Highway Traffic Act*, is repealed as the situation is now taken care of by Bill No. 47—*An Act to amend The Summary Convictions Act*.

SECTION 15. See explanatory note to section 12.

SECTION 16. This amendment authorizes the Minister to waive the requirement of filing proof of financial responsibility after the expiration of two years from the date such proof was required to be given, instead of three years as at present.

after two years from the date upon which such proof was required to be given, provided that the owner or driver on whose behalf such proof was given has not, during the said period, or any two-year period immediately preceding the request, been convicted of any offence mentioned in section 78, and provided that no action for damages is pending and no judgment is outstanding and unsatisfied in respect of personal injury or damage to property in excess of \$25 resulting from the operation of a motor vehicle, and a statutory declaration of the applicant under this section shall be sufficient evidence of the facts in the absence of evidence to the contrary in the records of the Registrar.

Rev. Stat.,
c. 288, s. 93,
subs. 1,
amended.

17. Subsection 1 of section 93 of *The Highway Traffic Act* is amended by striking out the words "for an owner's policy or a driver's policy, as the case may be" in the third line, so that the said subsection shall now read as follows:

Form of
policy.

- (1) A motor vehicle liability policy referred to in this Part shall be in the form prescribed by *The Insurance Act* and approved thereunder by the Superintendent of Insurance for the purposes of this Part.

Rev. Stat.,
c. 256.

Rev. Stat.,
c. 288,
amended.

18. *The Highway Traffic Act* is amended by adding thereto the following section:

Notification
of damage.

- 94a.—(1) Every person who, as a result of an accident or otherwise, operates or drives any vehicle or leads, rides or drives any animal upon the unpaved portion of any highway and thereby damages any shrub, tree, pole, light, sign, sod or other property upon the highway shall forthwith report such damage to a police officer or constable or to the Registrar.

Penalty for
failure to
notify of
damage.

- (2) Any person who violates the provisions of subsection 1 shall incur for the first offence, a penalty of not more than \$10; for a second offence, a penalty of not more than \$20; for a third offence, a penalty of not more than \$30, and for any subsequent offence, a penalty of not more than \$50.

Commence-
ment of Act.

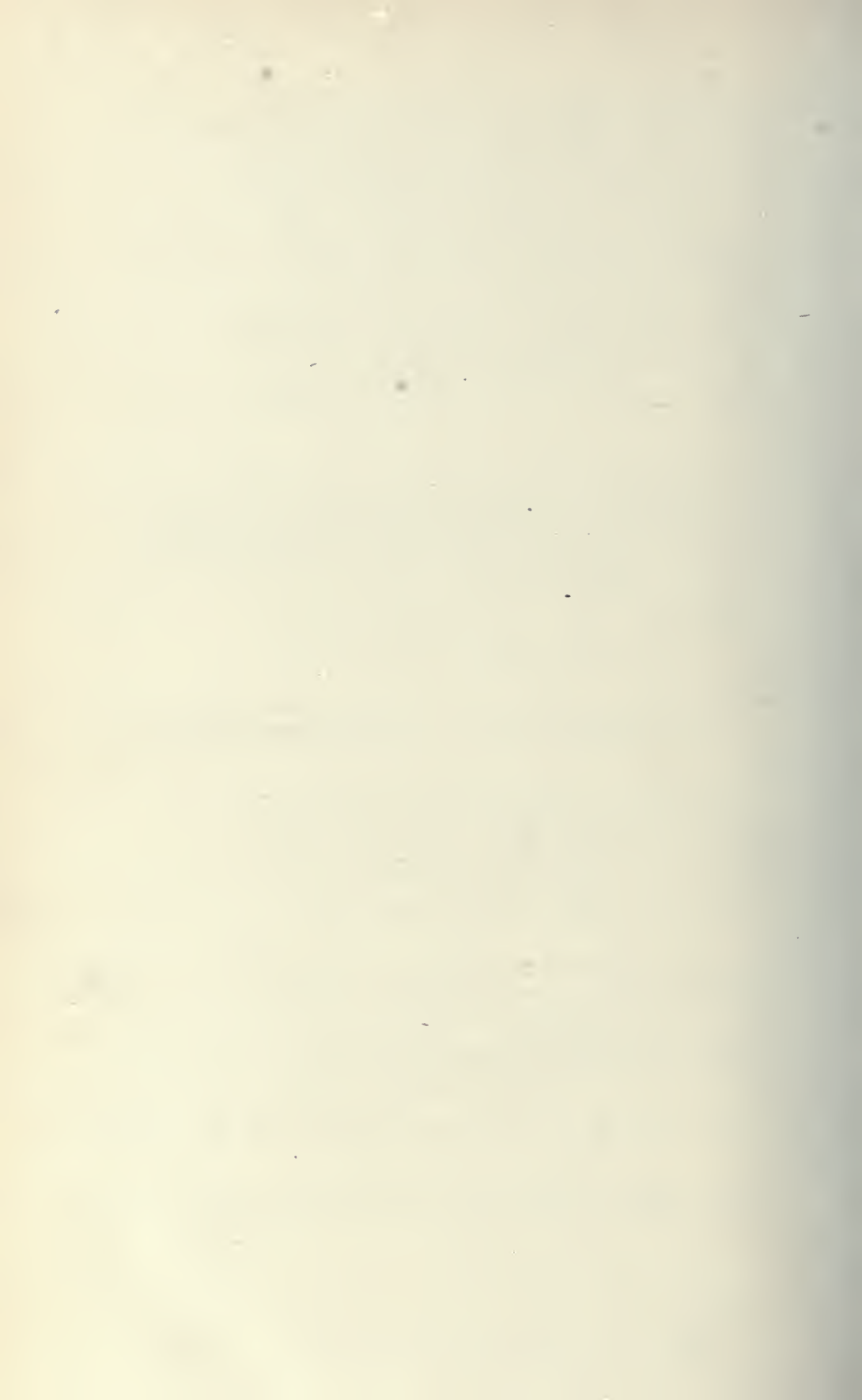
19. This Act shall come into force on the 1st day of July, 1941.

Short title.

20. This Act may be cited as *The Highway Traffic Amendment Act, 1941*.

SECTION 17. At the present time subsection 1 of section 93 restricts the form of policy which may be certificated as proof of financial responsibility to an owner's policy or a driver's policy, as the case may be. As there are other forms of policy equally satisfactory this restriction is removed so that any policy approved by the Superintendent of Insurance may be used for this purpose.

SECTION 18. Persons who damage highway property are required to report such damage to a police officer or constable or to the Registrar of Motor Vehicles.



BILL

An Act to amend The Highway
Traffic Act.

1st Reading

April 2nd, 1941

2nd Reading

April 4th, 1941

3rd Reading

MR. McQUESTEN

*(Reprinted as amended in Committee
of the Whole House.)*

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Highway Traffic Act.

MR. MCQUESTEN

No. 85

1941

BILL

An Act to amend The Highway Traffic Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 288, s. 10,
subs. 3,
repealed.

1.—(1) Subsection 3 of section 10 of *The Highway Traffic Act* is repealed.

Rev. Stat.,
c. 288, s. 10,
subs. 16,
amended.

(2) Subsection 16 of the said section 10 is amended by striking out the word "section" in the ninth line and inserting in lieu thereof the word "subsection," by inserting after the word "to" in the ninth line the words "an ambulance," and by inserting after the words "of a" in the tenth line the words "police force, police department or," so that the said subsection shall now read as follows:

Spotlights,—
position of.

(16) No spotlight or searchlight or other auxiliary lamp shall be attached to any part of a motor vehicle higher than the head lamps of such vehicle, and the ray of light from any such spotlight, searchlight or auxiliary lamp shall be directed to the extreme right of the travelled portion of the highway in such a manner that the beam of light shall strike the highway within seventy-five feet of the vehicle, provided that this shall not prevent the use of what are commonly known as cowl or side lamps or clearance lamps, nor shall this subsection apply to an ambulance, a motor vehicle of a police force, police department or municipal fire department, or a motor vehicle used by a public service corporation, commission or board for locating breaks in or trouble with overhead wiring.

Proviso.

Rev. Stat.,
c. 288,
amended.

2. *The Highway Traffic Act* is amended by adding thereto the following section:

Rebuilt tires
to be
marked.

13a.—(1) No person shall rebuild any tire designed for use upon a motor vehicle unless he causes it to be indicated in letters of not less than one-half inch

in height, clearly embossed upon or imposed or cut into the outside surface of each wall of such tire, that it has been rebuilt.

- (2) No person shall sell, offer or expose for sale, or have in ^{idem.} his possession with intent to sell any tire designed for use upon a motor vehicle which has been rebuilt unless it is indicated in letters of not less than one-half inch in height, clearly embossed upon or imposed or cut into the outside surface of each wall of such tire, that it has been rebuilt.
- (3) In this section "rebuild" shall mean to make or ^{"Rebuild," meaning of.} impose a new tread or new surface or to otherwise alter the surface of a used tire so that it will resemble a new tire, by cutting into or adding rubber to the surface thereof, or by a combination of both.
- (4) Any person who violates the provisions of subsection 1 ^{Penalty.} or 2 shall incur, for the first offence, a penalty of not more than \$25; for a second offence, a penalty of not more than \$50, and for a third or any subsequent offence, a penalty of not more than \$100.

3. Subsection 4 of section 24 of *The Highway Traffic Act* ^{Rev. Stat., c. 288, s. 24, subs. 4, amended.} is amended by inserting after the word "vehicles" in the second line the words "or bicycles" and by striking out all the words after the word "proper" in the fourth line, so that the said subsection shall now read as follows:

- (4) Any peace officer may enter into any place where ^{Right of entry and inspection.} motor vehicles or bicycles are stored or dealt in, or into any garage, parking station, parking lot or used car lot required to be licensed and make such investigation and inspection as he thinks proper.

4.—(1) Subsection 1 of section 25 of *The Highway Traffic Act* ^{Rev. Stat., c. 288, s. 25, subs. 1, amended.} is amended by inserting after the word "vehicles" in the second line the words "or bicycles" and by inserting after the word "vehicles" in the third and fourth lines respectively the words "and bicycles," so that the said subsection shall now read as follows:

- (1) All persons who buy, sell, wreck or otherwise deal ^{Record of second-hand vehicles bought, sold, etc.} in second-hand motor vehicles or bicycles shall keep a correct record of all motor vehicles and bicycles bought, sold or wrecked and of such information as will enable such motor vehicles and bicycles to be readily identified, and shall transmit within six days to the Department, on forms furnished by the Department, a statement of each motor vehicle bought, sold or wrecked by them and such informa-

tion with reference thereto as may be required by the Department.

Rev. Stat.,
c. 288,
s. 25,
subs. 2,
amended.

(2) Subsection 2 of the said section 25 is amended by inserting after the word "vehicle" in the second line the words "or bicycle," so that the said subsection shall now read as follows:

Prohibition
as to buying
where num-
ber obliterated.

(2) No person shall buy, sell, wreck or otherwise deal with any motor vehicle or bicycle where the manufacturer's serial number or similar identifying mark has been obliterated or defaced or is not readily recognizable.

Rev. Stat.,
c. 288, s. 25,
subs. 3,
amended.

(3) Subsection 3 of the said section 25 is amended by adding at the end thereof the words "or from a bicycle," so that the said subsection shall now read as follows:

Defacing
serial
number.

(3) No person shall deface or remove the manufacturer's serial number or identifying mark from a motor vehicle or from the engine thereof, or from a bicycle.

Rev. Stat.,
c. 288, s. 26,
subs. 1,
amended.

5.—(1) Subsection 1 of section 26 of *The Highway Traffic Act* is amended by striking out all the words after the word "purpose" in the eighth line, so that the said subsection shall now read as follows:

Rate of
speed within
city, town
or village.

(1) No motor vehicle shall be driven upon any highway within a city, town or village at a greater rate of speed than thirty miles per hour; but the council of a city, town or village may by by-law set apart any highway or any part thereof on which motor vehicles may be driven at a greater rate of speed for the purpose of testing the same, and may pass by-laws for regulating and governing the use of any such highway or part thereof for such purpose.

Rev. Stat.,
c. 288, s. 26,
amended.

(2) The said section 26 as amended by section 5 of *The Highway Traffic Amendment Act, 1939*, is further amended by adding thereto the following subsections:

Rate of
speed,—
public parks.

(1a) The council of any city, town or village may by by-law prescribe a lower speed limit for motor vehicles when operated in any public park or exhibition ground, providing that such lower speed limit shall not be less than fifteen miles per hour.

Fire depart-
ment
vehicles.

(1b) Subsections 1 and 1a shall not apply to a motor vehicle of a municipal fire department while proceeding to a fire or answering a fire alarm call.

(3) The said section 26, as amended by section 5 of *The Highway Traffic Amendment Act, 1939*, is further amended by adding thereto the following subsection: Rev. Stat., c. 288, s. 26, amended.

(3b) The Lieutenant-Governor in Council may by reason of the density of population or number and proximity of buildings in any township, part of a township or in any unorganized part of Ontario prohibit a motor vehicle from being operated at a greater rate of speed than thirty miles per hour on any part of the King's Highway located within such township, part of a township or other part of Ontario, and in such case notices regarding the speed limit shall be posted on that part of the King's Highway in accordance with the regulations of the Department. Power of Lieutenant-Governor to fix speed limit.

(4) Subsection 4 of the said section 26 is amended by inserting after the word "section" in the second line the words "or any by-law or Order-in-Council passed under this section" so that the said subsection shall now read as follows: Rev. Stat., c. 288, s. 26, subs. 4, amended.

(4) Any person who violates any of the provisions of this section or any by-law or Order-in-Council passed under this section shall incur, for the first offence, a penalty of not less than \$5 and not more than \$50; for the second offence a penalty of not less than \$10 and not more than \$100, and in addition, his license or permit may be suspended for any period not exceeding three months, and for any subsequent offence shall incur a penalty of not less than \$20 and not more than \$200, and in addition, his license or permit may be suspended for any period not exceeding six months. Penalty.

6. Subsection 1 of section 27 of *The Highway Traffic Act*, as re-enacted by section 6 of *The Highway Traffic Amendment Act, 1939*, is amended by striking out the word "motor" in the first line, so that the said subsection shall now read as follows: Rev. Stat., c. 288, s. 27, subs. 1, (1939, c. 20, s. 6), amended.

(1) Every person who drives a vehicle on a highway without due care and attention or without reasonable consideration for other persons using the highway shall be guilty of an offence and shall be liable in the case of a first offence to a penalty of not less than \$5 and not exceeding \$50, and in the case of a second or subsequent offence, within one year of the commission of the first offence, to a penalty of not less than \$10 and not exceeding \$100, or to imprisonment for a term not exceeding one month. Careless driving. Penalty.

Rev. Stat.,
c. 288, s. 33,
subs. 2,
cl. *a*,
amended.

7.—(1) Clause *a* of subsection 2 of section 33 of *The Highway Traffic Act* is amended by striking out the word “twenty-four” in the third line and inserting in lieu thereof the word “twenty-six,” and by striking out the word “fifteen” in the fifth line and inserting in lieu thereof the word “sixteen,” so that the said clause shall now read as follows:

As to weight
upon four
wheels with
two driving
axles.

- (a) The gross weight of a vehicle of four wheels with two driving axles spaced more than eight feet apart and of a public vehicle shall not exceed twenty-six thousand pounds and the weight upon one axle shall not exceed sixteen thousand pounds.

Rev. Stat.,
c. 288, s. 33,
subs. 2,
cl. *b*,
amended.

(2) Clause *b* of subsection 2 of the said section 33 is amended by striking out the word “thirty” in the fourth line and inserting in lieu thereof the word “thirty-four” and by striking out the word “fifteen” in the sixth line and inserting in lieu thereof the word “sixteen,” so that the said clause shall now read as follows:

As to weight.
upon six
wheels.

- (b) The gross weight of a vehicle of six wheels so designed that under any loading conditions the ratio of the weight on the middle axle to the weight on the rear axle remains constant, shall not exceed thirty-four thousand pounds and the weight on one axle shall not exceed sixteen thousand pounds.

Rev. Stat.,
c. 288, s. 33,
subs. 2,
cl. *d*,
amended.

(3) Clause *d* of subsection 2 of the said section 33 is amended by striking out the word “twenty” in the second line and inserting in lieu thereof the word “twenty-two,” and by striking out the word “fifteen” in the fourth line and inserting in lieu thereof the word “sixteen,” so that the said clause shall now read as follows:

As to weight
of other
vehicles.

- (d) The gross weight of a vehicle other than those mentioned in clauses *a*, *b* and *c* shall not exceed twenty-two thousand pounds and the weight upon one axle shall not exceed sixteen thousand pounds, and if axles are spaced less than eight feet apart the weight on one axle shall not exceed twelve thousand pounds.

Rev. Stat.,
c. 288, s. 33,
subs. 5, re-
enacted.

(4) Subsection 5 of the said section 33 is repealed and the following substituted therefor:

Width of
tires.

- (5) The Lieutenant-Governor in Council may make regulations prescribing the minimum width of tires with which any vehicle operated upon a highway shall be equipped.

8.—(1) Subsection 1 of section 35 of *The Highway Traffic Act* is amended by inserting at the commencement thereof the words "subject to the provisions of subsection 1 of section 21 of *The Public Vehicle Act*," so that the said subsection shall now read as follows:

Rev. Stat.,
c. 288, s. 35,
subs. 1,
amended.

- (1) Subject to the provisions of subsection 1 of section 21 of *The Public Vehicle Act* no motor vehicle or trailer having a permit issued under this Act, the fee for which is based upon the weight of the vehicle and load, shall at any time when upon a public highway, carry a load in excess of that for which the permit was issued as stated upon such permit, and for which the fee therefor was estimated.

Prohibition
as to carry-
ing load in
excess of
permit.

(2) Subsection 7 of the said section 35 is amended by inserting after the word "year" in the fourth line the words "or that the provisions of subsections 3 and 4 shall not apply to any or all highways under its jurisdiction," so that the said subsection shall now read as follows:

Rev. Stat.,
c. 288, s. 35,
subs. 7,
amended.

- (7) The municipal corporation or other authority having jurisdiction over any highway, may declare the provisions of subsections 3, 4 and 5 to extend and apply to highways under its jurisdiction during any period of the year or that the provisions of subsections 3 and 4 shall not apply to any or all highways under its jurisdiction; provided, however, that a by-law of a municipality passed under the authority of this subsection, shall not take effect until it has received the approval of the Minister.

Extension of
period by
municipality
or other
authority.

9.—(1) Subsection 3 of section 36 of *The Highway Traffic Act* is amended by inserting after the word "machine" in the first line the words "capable of weighing a vehicle," and by striking out the word "any" in the third line and inserting in lieu thereof the word "such," so that the said subsection shall now read as follows:

Rev. Stat.,
c. 288,
s. 36, subs. 3,
amended.

- (3) When a weighing machine capable of weighing a vehicle cannot be reached within the prescribed distance, or in lieu of proceeding to such weighing machine, the driver of such vehicle shall produce forthwith an inventory showing the true weight of the vehicle and the goods or load thereon, verified in writing by the owner of such vehicle.

Production
of inventory
showing
weight of
truck and
load.

(2) The said section 36 is amended by adding thereto the following subsection:

Rev. Stat.,
c. 288, s. 36,
amended.

- (6) For the purposes of this section,

Trailers.

- (a) a combination of vehicles consisting of a motor vehicle and semi-trailer shall be deemed to be one vehicle; and
- (b) "semi-trailer" shall mean any trailer which is so designed that, when operated, the forward part of its body or chassis rests upon the body or chassis of the towing vehicle.

Rev. Stat.,
c. 288, s. 39,
amended.

10.—(1) Section 39 of *The Highway Traffic Act* is amended by adding thereto the following subsection:

"Intersec-
tion,"—
what to
include.

- (3a) For the purposes of subsections 2 and 3 "intersection" shall include any portion of a highway distinctly indicated as a crossing place for pedestrians by lines or other markings on the surface of the highway.

Rev. Stat.,
c. 288, s. 39,
subs. 18a
(1940, c. 9,
s. 4, subs. 2),
repealed.

(2) Subsection 18a of the said section 39 as enacted by subsection 2 of section 4 of *The Highway Traffic Amendment Act, 1940*, is repealed.

Rev. Stat.,
c. 288, s. 40,
subs. 1,
amended.

11.—(1) Subsection 1 of section 40 of *The Highway Traffic Act* is amended by inserting after the word "vehicle" in the eighth line the words "and of the highway for at least four hundred feet beyond the vehicle", by striking out the word "two" in the eighth line and inserting in lieu thereof the word "four", and by inserting after the word "feet" in the ninth line the words "from the vehicle," so that the subsection shall now read as follows:

Parking cars
on highways.

- (1) No person shall park or leave standing any vehicle whether attended or unattended, upon the travelled portion of a highway, outside of a city, town or village, when it is practicable to park or leave such vehicle off the travelled portion of such highway; provided, that in any event, no person shall park or leave standing any vehicle, whether attended or unattended, upon such a highway unless a clear view of such vehicle and of the highway for at least four hundred feet beyond the vehicle may be obtained from a distance of at least four hundred feet from the vehicle in each direction upon such highway.

Rev. Stat.,
c. 288, s. 40,
subs. 5,
amended.

(2) Subsection 5 of the said section 40 as amended by subsection 2 of section 9 of *The Highway Traffic Amendment Act, 1938*, is further amended by striking out the words "and its lighting equipment are" in the first and second lines and inserting in lieu thereof the words, "or trailer is" and by striking out the words "commercial motor" in the third and fourth lines, so that the said subsection shall now read as follows:

- (5) Whenever any commercial motor vehicle or trailer is disabled during the period when lighted lamps are required to be displayed on vehicles and such vehicle cannot immediately be removed from the travelled portion of a highway outside a city, town or village, the driver or other person in charge of such vehicle shall cause such flares, lamps or lanterns to be lighted, placed and maintained upon the highway until dawn or the removal of such vehicle, one at a distance of approximately one hundred feet in advance of such vehicle and one at a distance of approximately one hundred feet to the rear of the vehicle.

Flares on disabled commercial motor vehicle.

12. Subsection 2 of section 50 of *The Highway Traffic Act* is amended by striking out the word "or" where it occurs the first time in the second line and inserting in lieu thereof the words "who does not reside or carry on business in Ontario for more than six consecutive months in any one year or to a resident", and by striking out the words "provided such person does not remain in Ontario for more than thirty days in any one year and" in the fourth and fifth lines and inserting in lieu thereof the words "who does not reside in Ontario for more than three consecutive months in any one year provided such person", so that the said subsection shall now read as follows:

Rev. Stat., c. 288, s. 50, subs. 2, amended.

- (2) The provisions of subsection 1 shall not apply to a resident of any other province of Canada who does not reside or carry on business in Ontario for more than six consecutive months in any one year or to a resident of a country or state which grants similar exemptions and privileges to residents of Ontario, who does not reside in Ontario for more than three consecutive months in any one year provided such person is the holder of a chauffeur's or operator's license issued by the province, country or state in which he resides.

Non-resident's license.

13. Section 51 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Rev. Stat., c. 288, s. 51, re-enacted.

51. The license or permit or, in case the licensee is also the owner of the motor vehicle, then both the license and permit of a person who is convicted of any offence under subsection 4 of section 285 of the *Criminal Code* is thereupon and hereby suspended for a period of—

Intoxicated persons not to drive.

R.S.C. c. 36.

(a) three months upon the first offence;

(b) six months upon the second offence;

(c) twelve months upon the third or any subsequent offence;

Proviso.

provided that if an order is made under subsection 7 of section 285 of the *Criminal Code* upon a conviction under subsection 4 of section 285 of the *Criminal Code* prohibiting a person from driving a motor vehicle for any longer period, the license or permit or both shall remain suspended during such longer period.

Rev. Stat.,
c. 288, s. 59,
repealed.

14. Section 59 of *The Highway Traffic Act* as amended by section 11 of *The Highway Traffic Amendment Act, 1938*, is repealed.

Rev. Stat.,
c. 288, s. 75,
(1938, c. 17,
s. 16),
amended.

15. Section 75 of *The Highway Traffic Act* as re-enacted by section 16 of *The Highway Traffic Amendment Act, 1938*, is amended by striking out the word "three" in the fifth line and inserting in lieu thereof the word "six", and by striking out the words "thirty days" in the eighth line and inserting in lieu thereof the words "three months", so that the said section shall now read as follows:

Exemption
as to non-
residents.

75. The provisions of this Part and of subsection 1 of section 19 and any regulations made thereunder shall not apply to residents of the other provinces of Canada who do not reside or carry on business in Ontario for more than six consecutive months in any one year, nor to residents of other countries or states who do not reside in Ontario for more than three months in any one year, provided such persons have complied with the provisions of the law of the province, country or state in which they reside as to the licensing of motor vehicle operators or chauffeurs.

Rev. Stat.,
c. 288, s. 92,
subs. 1,
amended.

16. Subsection 1 of section 92 of *The Highway Traffic Act* as amended by section 13 of *The Highway Traffic Amendment Act, 1939*, is further amended by striking out the word "three" in the sixth and ninth lines respectively, and inserting in lieu thereof the word "two", so that the said subsection shall now read as follows:

Cancellation
and return
of security.

(1) The Minister may waive the requirement of filing proof of financial responsibility or may cancel any bond or return any certificate of insurance, or the Treasurer may, at the request of the Minister, return any money or securities deposited pursuant to this Part, as proof of financial responsibility at any time

after two years from the date upon which such proof was required to be given, provided that the owner or driver on whose behalf such proof was given has not, during the said period, or any two-year period immediately preceding the request, been convicted of any offence mentioned in section 78, and provided that no action for damages is pending and no judgment is outstanding and unsatisfied in respect of personal injury or damage to property in excess of \$25 resulting from the operation of a motor vehicle, and a statutory declaration of the applicant under this section shall be sufficient evidence of the facts in the absence of evidence to the contrary in the records of the Registrar.

17. Subsection 1 of section 93 of *The Highway Traffic Act* is amended by striking out the words "for an owner's policy or a driver's policy, as the case may be" in the third line, so that the said subsection shall now read as follows: Rev. Stat., c. 288, s. 93, subs. 1, amended.

- (1) A motor vehicle liability policy referred to in this Part shall be in the form prescribed by *The Insurance Act* and approved thereunder by the Superintendent of Insurance for the purposes of this Part. Form of policy. Rev. Stat., c. 256.

18. *The Highway Traffic Act* is amended by adding thereto the following section: Rev. Stat., c. 288, amended.

- 94a.—(1) Every person who, as a result of an accident or otherwise, operates or drives any vehicle or leads, rides or drives any animal upon the unpaved portion of any highway and thereby damages any shrub, tree, pole, light, sign, sod or other property upon the highway shall forthwith report such damage to a police officer or constable or to the Registrar. Notification of damage.

- (2) Any person who violates the provisions of subsection 1 shall incur for the first offence, a penalty of not more than \$10; for a second offence, a penalty of not more than \$20; for a third offence, a penalty of not more than \$30, and for any subsequent offence, a penalty of not more than \$50. Penalty for failure to notify of damage.

19. This Act shall come into force on the 1st day of July, 1941. Commencement of Act.

20. This Act may be cited as *The Highway Traffic Amendment Act, 1941*. Short title.

BILL

An Act to amend The Highway
Traffic Act.

1st Reading

April 2nd, 1941

2nd Reading

April 4th, 1941

3rd Reading

April 8th, 1941

MR. MCQUESTEN

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Beach Protection Act.

MR. LAURIER

BILL

An Act to amend The Beach Protection Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 333, s. 1,
subs. 2,
(1940, c. 28,
s. 2),
amended.

1. Subsection 2 of section 1 of *The Beach Protection Act* as re-enacted by section 2 of *The Statute Law Amendment Act, 1940*, is amended by striking out the words "upon the approval of the Lieutenant-Governor in Council", in the first and second lines, so that the said subsection shall now read as follows:

License,—
issue of,
etc.

- (2) The Minister of Mines may issue licenses in accordance with the provisions of the regulations to this Act and may revoke any license which has been issued.

Rev. Stat.,
c. 333, s. 9,
subs. 1,
amended.

2.—(1) Subsection 1 of section 9 of *The Beach Protection Act* is amended by striking out the words "direct the issue of a proclamation" in the fifth line and inserting in lieu thereof the words "make regulations", so that the said subsection shall now read as follows:

Regulations
prohibiting
removal of
sand,
gravel, etc.

Rev. Stat.,
c. 334.

- (1) Notwithstanding anything contained in this Act, *The Beaches and River Beds Act* or any other Act, or in any regulation or order made under any of the said Acts, the Lieutenant-Governor in Council, upon the recommendation of the Minister of Mines, may make regulations prohibiting the taking, removal and carrying away by cart or truck, or by any boat or vessel or other water craft, or by any other vehicle or craft, of any sand, gravel, stone or earth from any bed, beach, shore or waters of, or adjacent to any part of the shores of Lake Erie, Lake Ontario or Lake Huron, or from any land covered by the waters of any of the said lakes adjacent to the said shore, or from any sandbar or flat therein or adjoining any channel or entrance thereto as described in the Order-in-Council, and such prohibition shall extend to the owner, tenant or occupant of any such bed,

EXPLANATORY NOTES

SECTION 1. The power of the Minister of Mines to issue licenses under *The Beach Protection Act* is subject to the approval of the Lieutenant-Governor in Council. The provision requiring such approval is repealed.

SECTION 2, Subsections 1 and 2. The amendment provides that the Lieutenant-Governor may in lieu of issuing a proclamation, make regulations prohibiting the removal of sand, gravel, etc.

beach, shore, sandbar or flat and to any person claiming under the authority of any municipal corporation, or of any order of the Ontario Municipal Board and to every other individual and corporation.

Rev. Stat.,
c. 333, s. 9,
subs. 2,
amended.

(2) Subsection 2 of the said section 9 is amended by striking out the word "proclamation" in the second line and inserting in lieu thereof the word "regulations", so that the said subsection shall now read as follows:

Penalty.

(2) Every person who contravenes the prohibition contained in any such regulations shall incur a penalty of not less than \$10 nor more than \$100 for each offence to be recoverable under *The Summary Convictions Act*.

Rev. Stat.,
c. 136.

Short title.

3. This Act may be cited as *The Beach Protection Amendment Act, 1941*.

BILL

An Act to amend The Beach
Protection Act.

1st Reading

April 2nd, 1941

2nd Reading

3rd Reading

MR. LAURIER

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Beach Protection Act.

MR: LAURIER

BILL

An Act to amend The Beach Protection Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 333, s. 1,
subs. 2,
(1940, c. 28,
s. 2),
amended.

1. Subsection 2 of section 1 of *The Beach Protection Act* as re-enacted by section 2 of *The Statute Law Amendment Act, 1940*, is amended by striking out the words "upon the approval of the Lieutenant-Governor in Council", in the first and second lines, so that the said subsection shall now read as follows:

License,—
issue of,
etc.

(2) The Minister of Mines may issue licenses in accordance with the provisions of the regulations to this Act and may revoke any license which has been issued.

Rev. Stat.,
c. 333, s. 9,
subs. 1,
amended.

2.—(1) Subsection 1 of section 9 of *The Beach Protection Act* is amended by striking out the words "direct the issue of a proclamation" in the fifth line and inserting in lieu thereof the words "make regulations", so that the said subsection shall now read as follows:

Regulations
prohibiting
removal of
sand,
gravel, etc.

Rev. Stat.,
c. 334.

(1) Notwithstanding anything contained in this Act, *The Beaches and River Beds Act* or any other Act, or in any regulation or order made under any of the said Acts, the Lieutenant-Governor in Council, upon the recommendation of the Minister of Mines, may make regulations prohibiting the taking, removal and carrying away by cart or truck, or by any boat or vessel or other water craft, or by any other vehicle or craft, of any sand, gravel, stone or earth from any bed, beach, shore or waters of, or adjacent to any part of the shores of Lake Erie, Lake Ontario or Lake Huron, or from any land covered by the waters of any of the said lakes adjacent to the said shore, or from any sandbar or flat therein or adjoining any channel or entrance thereto as described in the Order-in-Council, and such prohibition shall extend to the owner, tenant or occupant of any such bed,

beach, shore, sandbar or flat and to any person claiming under the authority of any municipal corporation, or of any order of the Ontario Municipal Board and to every other individual and corporation.

(2) Subsection 2 of the said section 9 is amended by striking out the word "proclamation" in the second line and inserting in lieu thereof the word "regulations", so that the said subsection shall now read as follows: Rev. Stat.,
c. 333, s. 9,
subs. 2,
amended.

(2) Every person who contravenes the prohibition contained in any such regulations shall incur a penalty of not less than \$10 nor more than \$100 for each offence to be recoverable under *The Summary Convictions Act*. Penalty.
Rev. Stat.,
c. 136.

3. This Act may be cited as *The Beach Protection Amendment Act, 1941*. Short title.

BILL

An Act to amend The Beach
Protection Act.

1st Reading

April 2nd, 1941

2nd Reading

April 4th, 1941

3rd Reading

April 8th, 1941

MR. LAURIER

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Ontario Municipal Board Act.

MR. MCQUESTEN

BILL

An Act to amend The Ontario Municipal Board Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 60, s. 59,
cl. *dd*,
(1939, c. 47,
s. 26),
amended.

1. Clause *dd* of section 59 of *The Ontario Municipal Board Act* as enacted by subsection 1 of section 26 of *The Statute Law Amendment Act, 1939*, is amended by adding at the end thereof the words "and the raising of the sum required for payment of such new debentures in the same manner as the sum required for payment of the retired debentures", so that the said clause shall now read as follows:

Callable
debentures.

(*dd*) authorize the issue by a municipality, without the assent of the electors, of debentures to retire debentures which are redeemable before maturity, and the raising of the sum required for payment of such new debentures in the same manner as the sum required for payment of the retired debentures.

Rev. Stat.,
c. 60, s. 63
(1938, c. 37,
s. 18),
amended.

2. Section 63 of *The Ontario Municipal Board Act* as enacted by section 18 of *The Statute Law Amendment Act, 1938*, is amended by adding thereto the following clause:

Exception.

(a) This section shall not apply to any debenture authorized under clause *dd* of section 59.

Rev. Stat.,
c. 60, s. 70,
subs. 1,
amended.

3. Subsection 1 of section 70 of *The Ontario Municipal Board Act* is amended by inserting after the word "which" in the fifth line the words "is not provided for in the estimates for the current year or", so that the said subsection shall now read as follows:

Approval
of capital
undertaking.

(1) Notwithstanding the provisions of any general or special Act, a municipality shall not exercise any of its powers to proceed with, authorize or provide any moneys for any undertaking, work, project, scheme, act, matter or thing, the cost or any portion of the cost of which is not provided for in the estimates for the current year or is or is intended or required

EXPLANATORY NOTES

SECTION 1. The words are added to ensure that the incidence of the levies to pay the new debentures will be the same as under the old debentures.

SECTION 2. Section 63 of *The Ontario Municipal Board Act* provides that the Board shall not certify the validity of any debenture issued under a municipal by-law until thirty days after its final passing. The amendment makes an exception to this general rule in the case of refunding debentures.

SECTION 3. By avoiding the issuing of debentures it is now possible to evade the purpose of section 70 which is to require the approval of the Municipal Board to be given before any capital undertaking is proceeded with. The amendment is designed to remove this loophole by providing that the approval of the Municipal Board must be obtained to any capital undertaking which is not provided for in the current estimates.

to be provided or raised by the issue of debentures of the municipality, until the approval of the Board has first been obtained.

Rev. Stat.,
c. 60,
amended. **4.** *The Ontario Municipal Board Act* is amended by adding thereto the following section:

Conflict. **111.** In the event of conflict between this Act and any general or special Act, this Act shall govern.

Short title. **5.** This Act may be cited as *The Ontario Municipal Board Amendment Act, 1941*.

SECTION 4. Self-explanatory.



BILL

An Act to amend The Ontario
Municipal Board Act.

1st Reading

April 2nd, 1941

2nd Reading

3rd Reading

MR. MCQUESTEN

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Ontario Municipal Board Act.

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MR. MCQUESTEN

*(Reprinted as amended in Committee
of the Whole House.)*

BILL

An Act to amend The Ontario Municipal Board Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 60, s. 59,
cl. *dd*,
(1939, c. 47,
s. 26),
amended.

1. Clause *dd* of section 59 of *The Ontario Municipal Board Act* as enacted by subsection 1 of section 26 of *The Statute Law Amendment Act, 1939*, is amended by adding at the end thereof the words "and the raising of the sum required for payment of such new debentures in the same manner as the sum required for payment of the retired debentures", so that the said clause shall now read as follows:

Callable
debentures.

(*dd*) authorize the issue by a municipality, without the assent of the electors, of debentures to retire debentures which are redeemable before maturity, and the raising of the sum required for payment of such new debentures in the same manner as the sum required for payment of the retired debentures.



Rev. Stat.,
c. 60, s. 59,
amended.

(2) Section 59 of *The Ontario Municipal Board Act* is amended by adding thereto the following subsection:

Conflict.

(2) Clauses *d* and *dd* of subsection 1 shall have effect notwithstanding any general or special Act.



Rev. Stat.,
c. 60, s. 63
(1938, c. 37,
s. 18),
amended.

2. Section 63 of *The Ontario Municipal Board Act* as re-enacted by section 18 of *The Statute Law Amendment Act, 1938*, is amended by adding thereto the following clause:

Exception.

(a) This section shall not apply to any debenture authorized under clause *dd* of section 59.

Rev. Stat.,
c. 60, s. 70,
subs. 1,
amended.

3. Subsection 1 of section 70 of *The Ontario Municipal Board Act* is amended by inserting after the word "which" in the fifth line the words "is not provided for in the estimates for the current year or", so that the said subsection shall now read as follows:

Approval
of capital
undertaking.

(1) Notwithstanding the provisions of any general or special Act, a municipality shall not exercise any of

EXPLANATORY NOTES

SECTION 1. The words are added to ensure that the incidence of the levies to pay the new debentures will be the same as under the old debentures.

SECTION 2. Section 63 of *The Ontario Municipal Board Act* provides that the Board shall not certify the validity of any debenture issued under a municipal by-law until thirty days after its final passing. The amendment makes an exception to this general rule in the case of refunding debentures.

SECTION 3. By avoiding the issuing of debentures it is now possible to evade the purpose of section 70 which is to require the approval of the Municipal Board to be given before any capital undertaking is proceeded with. The amendment is designed to remove this loophole by providing that the approval of the Municipal Board must be obtained to any capital undertaking which is not provided for in the current estimates.

its powers to proceed with, authorize or provide any moneys for any undertaking, work, project, scheme act, matter or thing, the cost or any portion of the cost of which is not provided for in the estimates for the current year or is or is intended or required to be provided or raised by the issue of debentures of the municipality, until the approval of the Board has first been obtained.

Short title.

4. This Act may be cited as *The Ontario Municipal Board Amendment Act, 1941*.

BILL

An Act to amend The Ontario
Municipal Board Act.

1st Reading

April 2nd, 1941

2nd Reading

April 4th, 1941

3rd Reading

MR. MCQUESTEN

*(Reprinted as amended in Committee
of the Whole House.)*

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Ontario Municipal Board Act.

MR. MCQUESTEN

BILL

An Act to amend The Ontario Municipal Board Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 60, s. 59,
cl. *dd*,
(1939, c. 47,
s. 26),
amended.

1.—(1) Clause *dd* of section 59 of *The Ontario Municipal Board Act* as enacted by subsection 1 of section 26 of *The Statute Law Amendment Act, 1939*, is amended by adding at the end thereof the words “and the raising of the sum required for payment of such new debentures in the same manner as the sum required for payment of the retired debentures”, so that the said clause shall now read as follows:

Callable
debentures.

(*dd*) authorize the issue by a municipality, without the assent of the electors, of debentures to retire debentures which are redeemable before maturity, and the raising of the sum required for payment of such new debentures in the same manner as the sum required for payment of the retired debentures.

Rev. Stat.,
c. 60, s. 59,
amended.

(2) Section 59 of *The Ontario Municipal Board Act* is amended by adding thereto the following subsection:

Conflict.

(2) Clauses *d* and *dd* of subsection 1 shall have effect notwithstanding any general or special Act.

Rev. Stat.,
c. 60, s. 63
(1938, c. 37,
s. 18),
amended.

2. Section 63 of *The Ontario Municipal Board Act* as enacted by section 18 of *The Statute Law Amendment Act, 1938*, is amended by adding thereto the following clause:

Exception.

(a) This section shall not apply to any debenture authorized under clause *dd* of section 59.

Rev. Stat.,
c. 60, s. 70,
subs. 1,
amended.

3. Subsection 1 of section 70 of *The Ontario Municipal Board Act* is amended by inserting after the word “which” in the fifth line the words “is not provided for in the estimates for the current year or”, so that the said subsection shall now read as follows:

Approval
of capital
undertaking.

(1) Notwithstanding the provisions of any general or special Act, a municipality shall not exercise any of

its powers to proceed with, authorize or provide any moneys for any undertaking, work, project, scheme act, matter or thing, the cost or any portion of the cost of which is not provided for in the estimates for the current year or is or is intended or required to be provided or raised by the issue of debentures of the municipality, until the approval of the Board has first been obtained.

4. This Act may be cited as *The Ontario Municipal Board* ^{Short title.}
Amendment Act, 1941.

BILL

An Act to amend The Ontario
Municipal Board Act.

1st Reading

April 2nd, 1941

2nd Reading

April 4th, 1941

3rd Reading

April 8th, 1941

MR. MCQUESTEN

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Surveys Act.

MR. HEENAN

BILL

An Act to amend The Surveys Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 232, s. 13,
subs. 1,
amended.

1. Subsection 1 of section 13 of *The Surveys Act* is amended by striking out the words "an original township lot, mining location, mining claim or part thereof" in the second and third lines and inserting in lieu thereof the words "any area of land", so that the said subsection shall now read as follows:

Monuments
on sub-
division
plans.

Rev. Stat.,
cc. 170, 174.

(1) Every angle of the exterior boundary of a subdivision plan of any area of land prepared, for the purpose of registration in accordance with the provisions of *The Registry Act* or *The Land Titles Act*, shall be defined in the survey thereof by a monument, such monument to be composed of,—

- (a) stone or reinforced concrete 5 inches square at the top, 8 inches square at the base and not less than 4 feet in length, the base of which is to be planted 3 feet 6 inches below the surface;
- (b) iron bar 1 inch square, 4 feet long, the point of which is to be driven 3 feet 6 inches below the surface;
- (c) in the case of solid rock, 1 inch iron bolt, 6 inches long, cemented or leaded into the rock to a depth of 4 inches.

Rev. Stat.,
c. 232, s. 16,
subs. 1,
re-enacted.

2. Subsection 1 of section 16 of *The Surveys Act* is repealed and the following substituted therefor:

Applica-
tion for
survey of
lot lines.

- (1) The council of any municipality, upon its own motion, may, or upon the petition of one-half of the owners of lands affected shall, apply to the Lieutenant-Governor in Council in the same manner

EXPLANATORY NOTES

SECTION 1. The amendment to section 13 of *The Surveys Act* is designed to clarify the provisions respecting the planting of permanent monuments to cover the boundaries of all survey plans prepared for registration under *The Land Titles Act* or *The Registry Act*.

SECTION 2. The amendment to subsection 1 of section 16 is to omit a redundancy which occurs in the subsection and to clarify certain expressions used therein, but does not alter the law.

as is provided by section 15, to cause a survey to be made and monuments to be placed at the front angle or at the rear angle, or at the front and rear angles of any concession, section, block, gore, lot, mining claim, mining location, common or parcel of land referred to in sections 10, 11 and 12, lying within such municipality, and such monument shall be of stone or other durable material, and shall be placed in position under the direction and order of the Minister in the manner prescribed in this Act.

Short title.

3. This Act may be cited as *The Surveys Amendment Act, 1941*.



BILL

An Act to amend The Surveys Act.

1st Reading

April 2nd, 1941

2nd Reading

3rd Reading

MR. HEENAN

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Surveys Act.

MR. HEENAN

BILL

An Act to amend The Surveys Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 232, s. 13,
subs. 1,
amended.

1. Subsection 1 of section 13 of *The Surveys Act* is amended by striking out the words "an original township lot, mining location, mining claim or part thereof" in the second and third lines and inserting in lieu thereof the words "any area of land", so that the said subsection shall now read as follows:

Monuments
on sub-
division
plans.

Rev. Stat.,
cc. 170, 174.

(1) Every angle of the exterior boundary of a subdivision plan of any area of land prepared, for the purpose of registration in accordance with the provisions of *The Registry Act* or *The Land Titles Act*, shall be defined in the survey thereof by a monument, such monument to be composed of,—

- (a) stone or reinforced concrete 5 inches square at the top, 8 inches square at the base and not less than 4 feet in length, the base of which is to be planted 3 feet 6 inches below the surface;
- (b) iron bar 1 inch square, 4 feet long, the point of which is to be driven 3 feet 6 inches below the surface;
- (c) in the case of solid rock, 1 inch iron bolt, 6 inches long, cemented or leaded into the rock to a depth of 4 inches.

Rev. Stat.,
c. 232, s. 16,
subs. 1,
re-enacted.

2. Subsection 1 of section 16 of *The Surveys Act* is repealed and the following substituted therefor:

Applica-
tion for
survey of
lot lines.

- (1) The council of any municipality, upon its own motion, may, or upon the petition of one-half of the owners of lands affected shall, apply to the Lieutenant-Governor in Council in the same manner

as is provided by section 15, to cause a survey to be made and monuments to be placed at the front angle or at the rear angle, or at the front and rear angles of any concession, section, block, gore, lot, mining claim, mining location, common or parcel of land referred to in sections 10, 11 and 12, lying within such municipality, and such monument shall be of stone or other durable material, and shall be placed in position under the direction and order of the Minister in the manner prescribed in this Act.

3. This Act may be cited as *The Surveys Amendment Act*, ^{Short title.}
1941.

BILL

An Act to amend The Surveys Act.

1st Reading

April 2nd, 1941

2nd Reading

April 4th, 1941

3rd Reading

April 8th, 1941

MR. HEENAN

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Local Improvement Act.

MR. MCQUESTEN

BILL

An Act to amend The Local Improvement Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 269, s. 7,
subs. 1,
cl. d,
amended.

1. Clause *d* of subsection 1 of section 7 of *The Local Improvement Act* is amended by striking out the words and figures "sections 4 and 8" and inserting in lieu thereof the word and figure "section 4".

Rev. Stat.,
c. 269, s. 8,
repealed.

2. Section 8 of *The Local Improvement Act* is repealed.

Rev. Stat.,
c. 269, s. 13,
subs. 2, re-
enacted.

3. Subsection 2 of section 13 of *The Local Improvement Act* is repealed and the following substituted therefor:

Application
to Municipal
Board.

(2) Where the council has proceeded on the initiative plan and has been prevented from undertaking a work by reason of a petition having been presented under the provisions of section 12, the council may with the approval of the Ontario Municipal Board pass a by-law to undertake the work.

Notice of
application
to be served.

(3) Notice (Form 2) of the application for the approval of the Board to the passing of the by-law mentioned in subsection 2 shall be served pursuant to subsections 4 and 5 of section 12 upon the owners of the lots liable to be specially assessed.

Order of
Board.

(4) Upon any such application the Board may make such order with respect to the work as may seem expedient.

Rev. Stat.,
c. 269, s. 26,
subs. 2,
re-enacted.

4. Subsection 2 of section 26 of *The Local Improvement Act* is repealed and the following substituted therefor:

Application
of ss. 12
and 13.

(2) The provisions of section 12 and section 13, other than subsection 1, shall *mutatis mutandis* apply to any work mentioned in subsection 1.

Rev. Stat.,
c. 269, s. 49,
amended.

5. Section 49 of *The Local Improvement Act* is amended by adding thereto the following subsection:

EXPLANATORY NOTES

The amendments in SECTIONS 1, 2, 3, 4 and 6 of this Bill are designed to prevent a municipal council undertaking a local improvement work without serving notice upon and hearing the affected owners. Section 8 of *The Local Improvement Act* known as the "forcing" section is repealed.

SECTION 5. At the present time there is no provision in the Act covering the situation where more money is raised by borrowing on debentures than is needed to cover the cost of the local improvement work. The amendment provides for such a contingency by requiring the surplus to be applied in payment of the local improvement rates.

Excess.

- (9) If the amount realized from the debentures exceeds the amount of the cost of the work, the excess sum shall be applied *pro tanto* to payment of the rates to be levied under the by-law providing for the issue of the debentures.

Rev. Stat.,
c. 269,
Form 2,
amended.

- 6.**—(1) The reference to section 8 in the heading of Form 2 of *The Local Improvement Act* is amended by striking out the figure "8" and substituting therefor the figures "13".

Rev. Stat.,
c. 269,
Form 2,
para. 3,
re-enacted.

- (2) Paragraph 3 of the said form is repealed and the following substituted therefor:

3. Application will be made by the Corporation to the Ontario Municipal Board, Parliament Buildings, Toronto, on the day of, 19..., at the hour of o'clock in the noon for its approval of the passing of a by-law by the Corporation with respect to undertaking the work.

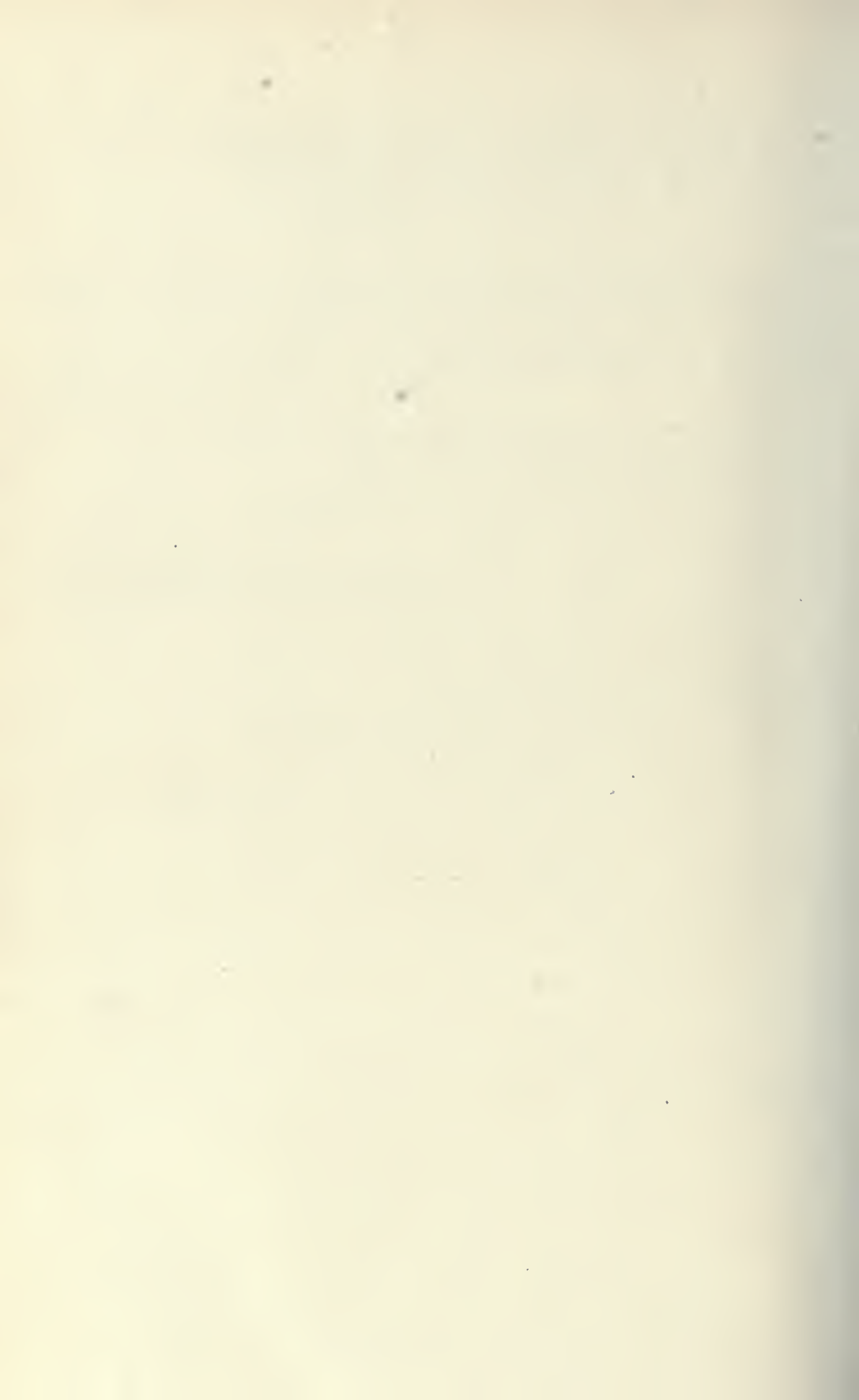
Rev. Stat.,
c. 269,
Form 2,
para. 4,
re-enacted.

- (3) Paragraph 4 of the said form is repealed and the following substituted therefor:

4. The said Board may approve of the passing of the by-law with respect to the said work and order the work to be undertaken.
5. If you object to such work being undertaken you may file your objection in writing with the Board at any time before the day aforesaid or appear before it on the day and hour aforesaid and make your objection orally.

Short title.

- 7.** This Act may be cited as *The Local Improvement Amendment Act, 1941*.



An Act to amend The Local
Improvement Act.

1st Reading

April 2nd, 1941

2nd Reading

3rd Reading

MR. McQUESTEN

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Local Improvement Act.

MR. MCQUESTEN

*(Reprinted as amended in Committee
of the Whole House.)*

No. 89

1941

BILL

An Act to amend The Local Improvement Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 269, s. 49,
amended.

1. Section 49 of *The Local Improvement Act* is amended by adding thereto the following subsection:

Excess.

(9) If the amount realized from the debentures exceeds the amount of the cost of the work, the excess sum shall be applied *pro tanto* to payment of the rates to be levied under the by-law providing for the issue of the debentures.

Short title.

2. This Act may be cited as *The Local Improvement Amendment Act, 1941*.

EXPLANATORY NOTES

SECTION 1. At the present time there is no provision in the Act covering the situation where more money is raised by borrowing on debentures than is needed to cover the cost of the local improvement work. The amendment provides for such a contingency by requiring the surplus to be applied in payment of the local improvement rates.

BILL

An Act to amend The Local
Improvement Act.

1st Reading

April 2nd, 1941

2nd Reading

April 4th, 1941

3rd Reading

MR. MCQUESTEN

*(Reprinted as amended in Committee
of the Whole House.)*

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

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An Act to amend The Local Improvement Act.

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An Act to amend The Local Improvement Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 269, s. 49,
amended.

1. Section 49 of *The Local Improvement Act* is amended by adding thereto the following subsection:

Excess.

(9) If the amount realized from the debentures exceeds the amount of the cost of the work, the excess sum shall be applied *pro tanto* to payment of the rates to be levied under the by-law providing for the issue of the debentures.

Short title.

2. This Act may be cited as *The Local Improvement Amendment Act, 1941*.

BILL

An Act to amend The Local
Improvement Act.

1st Reading

April 2nd, 1941

2nd Reading

April 4th, 1941

3rd Reading

April 8th, 1941

MR. MCQUESTEN

No. 90

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

The Statute Law Amendment Act, 1941.

MR. CONANT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

The Statute Law Amendment Act, 1941.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 141, s. 1,
amended.

1. Section 1 of *The Administration of Justice Expenses Act* is amended by striking out the words "the judges authorized to make rules under *The Judicature Act*" in the first and second lines and inserting in lieu thereof the words "the Lieutenant-Governor in Council", so that the said section shall now read as follows:

Who may
make rules
as to fees.

1. Where not otherwise provided by law the Lieutenant-Governor in Council may make rules fixing and determining the fees to be allowed to counsel, solicitors and other officers and persons for or in respect of any criminal prosecutions, matters, and proceedings in the Supreme Court or court of general sessions of the peace, or under any commission or special commission, or relating to the King's revenue, and shall therein distinguish the fees to be paid by private individuals.

Rev. Stat.,
c. 218, s. 1,
re-enacted.

2. Section 1 of *The Adoption Act* is repealed and the following substituted therefor:

Interpreta-
tion.

1. In this Act,—

"Adopted
child;"

(a) "Adopted child" shall mean infant or other person authorized to be adopted;

"Adopting
parent;"

(b) "Adopting parent" shall mean person authorized to adopt an infant or other person;

"Infant;"

(c) "Infant" shall include any other person sought to be adopted; and

"Minister;"

(d) "Minister" shall mean Minister of Public Welfare.

EXPLANATORY NOTES

SECTION 1. This amendment is complementary to Bill No. 37, An Act to amend *The Judicature Act*, and vests in the Lieutenant-Governor in Council the power to make rules respecting fees under *The Administration of Justice Expenses Act*. The power to make rules is subject to the approval of the Lieutenant-Governor in Council.

SECTION 2. The meaning of the terms used in *The Adoption Act* is clarified by recasting the definition section.

Rev. Stat.,
c. 80, s. 2,
amended.

3. Section 2 of *The Agricultural Associations Act* is amended by striking out the words "The Fruit Growers' Association of Ontario" in the fourth line and inserting in lieu thereof the words "The Ontario Fruit Growers' Association".

Rev. Stat.,
c. 109, s. 31,
amended.

4. Section 31 of *The Arbitration Act* is amended by adding at the commencement thereof the words "subject to the approval of the Lieutenant-Governor in Council" and by striking out all the words after the word "by" in the third line and inserting in lieu thereof the words "the Rules Committee", so that the said section shall now read as follows:

Power to
make rules.

31. Subject to the approval of the Lieutenant-Governor in Council, rules of court for the better carrying out of the purposes of this Act and regulating the practice thereunder may be made by the Rules Committee.

Rev. Stat.,
c. 95, s. 4,
subs. 2,
re-enacted.

5. Subsection 2 of section 4 of *The Burlington Beach Act* is repealed and the following substituted therefor:

Burlington
Beach to
be part of
county for
judicial
purposes.

(2) For judicial purposes, Burlington Beach shall continue to remain a portion of the said county, and notwithstanding anything in *The Municipal Act* or in any other Act contained, the commission shall pay to the Corporation of the County of Wentworth on or before the 1st day of December in the year 1941 and in each subsequent year the sum of \$650, or such other sum as may be determined by written agreement between the Commission and the said Corporation filed with the Department of Municipal Affairs, in full satisfaction of all liability to the said county.

Rev. Stat.,
c. 266.

Rev. Stat.,
c. 170, s. 21,
subs. 2,
amended.

6. Subsection 2 of section 21 of *The Registry Act* as amended by section 2 of *The Registry Amendment Act, 1938*, is further amended by striking out the words "provided that no abstract index book shall be in loose-leaf form" in the amendment of 1938, so that the said subsection shall now read as follows:

Pattern.

(2) All registry books shall be as nearly as may be of the like size and description as those heretofore furnished, and shall continue to be of one uniform size as nearly as practicable, and with the approval of the Inspector such registry books may be in loose-leaf form with or without locking attachment.

By-laws
for patriotic
grants
validated.

7. By-law number 1464 passed by the council of the corporation of the Town of Barrie on the 3rd day of March, 1941, to make a grant of \$1,048.49 to the Barrie Branch of The Canadian Red Cross Society for the purchase of wool for the making of garments for the crew of the ship known as

SECTION 3. This amendment changes the name of The Fruit Growers' Association to the name now used by the Association.

SECTION 4. This amendment is complementary to Bill No. 37, *An Act to amend The Judicature Act*, and vests in the Rules Committee the power to make rules under *The Arbitration Act*. The power to make rules is subject to the approval of the Lieutenant-Governor in Council.

SECTION 5. The contribution of Burlington Beach to the County of Wentworth for judicial purposes is increased from \$250 to \$650.

SECTION 6. The amendment permits abstract index books to be in loose-leaf form where the Inspector of Legal Offices approves thereof.

SECTION 7. The section confirms several municipal by-laws which were passed for the purpose of making grants for patriotic purposes.

H. M. Corvette Barrie; by-law number 3644 passed by the council of the corporation of the City of Belleville on the 17th day of February, 1941, to provide a grant to the War Savings Committee; by-law number 31-1940 passed by the council of the corporation of the Town of Cornwall on the 13th day of January, 1941, to grant the sum of \$1,000 to the Lord Mayor's Fund in London, England, to assist the children in the bombed areas of England; by-law number 1583 passed by the council of the corporation of the Town of Orillia on the 27th day of January, 1941, to provide for a grant of \$200 to the Orillia War Savings Committee; by-law number 8960 passed by the council of the corporation of the City of Ottawa on the 5th day of December, 1940, to authorize a grant of \$10,000 to the special fund established by the Lord Mayor of London, England, for the purposes of relieving suffering caused by air raids upon London; by-law number 1511 passed by the council of the corporation of the County of Welland on the 20th day of December, 1940, to make a patriotic grant to the Town of Stamford in the County of Lincolnshire, England, for the purpose of buying a Spitfire plane; by-law number 2809 passed by the council of the corporation of the City of Brantford on the 14th day of March, 1941, to authorize the granting of aid to certain Patriotic and Military Organizations; by-law number 437-1941 passed by the council of the corporation of the Township of Crowland on the 26th day of March, 1941, for granting \$100 to The Toronto Evening Telegram War Refugees Fund to assist British War Refugees; by-law number 2337 passed by the council of the corporation of the City of Sarnia on the 17th day of February, 1941, for granting aid to the Committee in charge of the sale of War Savings Certificates; by-law number 754 passed by the council of the corporation of the County of Perth on the 25th day of January, 1941, granting aid to the Salvation Army, the Greek War Relief Fund in the City of Stratford and to Red Cross and Patriotic Societies in the County of Perth are hereby validated and confirmed and declared to be legal, valid and binding upon the said corporations respectively and the ratepayers thereof respectively.

Rev. Stat.,
c. 167, s. 6,
subs. 1,
amended.

8.—(1) Subsection 1 of section 6 of *The Charities Accounting Act* is amended by striking out the words "the Lieutenant-Governor in Council" in the first line and inserting in lieu thereof the words "subject to the approval of the Lieutenant-Governor in Council, the Rules Committee", so that the said subsection shall now read as follows:

Rules.

(1) Subject to the approval of the Lieutenant-Governor in Council, the Rules Committee may make rules,—

(a) prescribing forms of notices and returns to be made under this Act;

SECTION 8. This amendment is complementary to Bill No. 37, *An Act to amend The Judicature Act*, and vests in the Rules Committee the power to make rules under *The Charities Accounting Act*. The power to make rules is subject to the approval of the Lieutenant-Governor in Council.

- (b) respecting the practice and procedure upon passing the accounts of an executor or trustee under this Act and the tariff of fees and costs to be applicable thereto;
- (c) requiring returns to be made by any such executor or trustee to any department of the Government and the form of such returns;
- (d) regulating the practice and procedure upon any application under section 5;
- (e) generally for the better carrying out of the provisions of this Act.

Rev. Stat.,
c. 167, s. 6,
subs. 2,
repealed.

(2) Subsection 2 of the said section 6 is repealed.

Rev. Stat.,
c. 121,
amended.

9. The heading immediately preceding section 6 of *The Commissioners for taking Affidavits Act* is repealed.

Rev. Stat.,
c. 251,
amended.

10.—(1) The heading immediately preceding section 100 of *The Companies Act* is repealed and the following substituted therefor:

ALLOTMENTS.

Rev. Stat.,
c. 251,
s. 250,
amended.

(2) Section 250 of *The Companies Act* is amended by striking out the word "of" in the third line and inserting in lieu thereof the word "if", so that the said section shall now read as follows:

Dividends.

250. The shareholders of the guarantee capital stock shall be entitled to a semi-annual dividend of not more than four per centum on their respective shares if the net profits or unused premiums left after all expenses, losses and liabilities then incurred with the reserve for reinsurance are provided for, shall be sufficient to pay the same.

Rev. Stat.,
c. 11, s. 4,
subs. 1,
amended.

11. Subsection 1 of section 4 of *The Controverted Elections Act* is amended by striking out the words "the Supreme Court, or a majority of the judges thereof" in the first and second lines and inserting in lieu thereof the words "subject to the approval of the Lieutenant-Governor in Council, the Rules Committee", so that the said subsection shall now read as follows:

Power to
make rules
of court.

(1) Subject to the approval of the Lieutenant-Governor in Council, the Rules Committee may make general rules not inconsistent with this Act for the effectual execution thereof, and the regulation of the practice and procedure and as to costs.

Rev. Stat.,
c. 103, s. 43,
subs. 1,
amended.

12. Subsection 1 of section 43 of *The County Courts Act* is amended by striking out the words "notwithstanding the provisions of any other Act of this Legislature the Lieutenant-Governor in Council" in the first and second lines and inserting in lieu thereof the words "subject to the approval of the Lieutenant-Governor in Council the Rules Committee", so that the said subsection shall now read as follows:

SECTION 9. Because of an amendment which was made to *The Commissioners for taking Affidavits Act* the heading preceding section 6 is inaccurate and is repealed.

SECTION 10, SUBSECTION 1. The heading immediately preceding section 100 of *The Companies Act* is rendered more accurate.

Subsection 2. A typographical error is corrected.

SECTION 11. This amendment is complementary to Bill No. 37, *An Act to amend The Judicature Act*, and vests in the Rules Committee the power to make rules under *The Controverted Elections Act*. The power to make rules is subject to the approval of the Lieutenant-Governor in Council.

SECTION 12. This amendment is complementary to Bill No. 37, *An Act to amend The Judicature Act*, and vests in the Rules Committee the power to make rules under *The County Courts Act*. The power to make rules is subject to the approval of the Lieutenant-Governor in Council.

Power of
Rules Com-
mittee as
to,—

- (1) Subject to the approval of the Lieutenant-Governor in Council the Rules Committee may,—

Rules of
practice;

- (a) make rules for regulating the practice and procedure in the county and district courts;

Fees of
Crown;

- (b) make rules and regulations regulating and fixing all fees payable to the Crown in respect of proceedings in such courts;

Fees of
solicitors;

- (c) prescribe a tariff of fees to be allowed to solicitors and counsel practising in such courts;

Forms.

- (d) prescribe forms for use in such courts.

Rev. Stat.,
c. 163, s. 32,
amended.

13. Section 32 of *The Devolution of Estates Act* is amended by striking out the words "under the provisions of *The Judicature Act*" in the fourth and fifth lines and inserting in lieu thereof the words "by the Rules Committee, subject to the approval of the Lieutenant-Governor in Council", so that the said section shall now read as follows:

Rules of
procedure.

32. Rules regulating the practice and procedure to be followed in all proceedings under this Act, and, a tariff of fees to be allowed and paid to solicitors for services rendered in such proceedings, may be made by the Rules Committee, subject to the approval of the Lieutenant-Governor in Council.

1935, c. 19,
s. 3,
amended.

14. Section 3 of *The Dionne Quintuplet Guardianship Act, 1935*, as amended by section 3 of *The Dionne Quintuplet Guardianship Amendment Act, 1937*, is further amended by adding thereto the following subsection:

Where num-
ber of
active
guardians
less than
three.

- (7) Notwithstanding anything in this Act, whenever and so long as the number of active guardians is less than three, the Official Guardian shall have all the rights, powers and privileges of an active guardian as well as those of Special Guardian, and shall be deemed to be an active guardian for the purposes of this Act.

Rev. Stat.,
c. 112, s. 19,
amended.

15. Section 19 of *The Dower Act* is amended by striking out the word "conveys" in the sixth line and inserting in lieu thereof the word "contains", so that the said section shall now read as follows:

Wife joining
in deed
without
releasing
dower.

19. Where a wife has joined or hereafter joins in a conveyance or mortgage purporting to convey or mortgage land, or has signed or signs, otherwise than as a witness, a conveyance or mortgage by which her husband conveys or mortgages or purports to convey or mortgage land, but the conveyance or mort-

SECTION 13. This amendment is complementary to Bill No. 37, *An Act to amend The Judicature Act*, and vests in the Rules Committee the power to make rules under *The Devolution of Estates Act*. The power to make rules is subject to the approval of the Lieutenant-Governor in Council.

SECTION 14. *The Dionne Quintuplet Guardianship Act* is amended to provide that whenever the number of active guardians is less than three the Official Guardian shall have all the rights, powers and privileges of an active guardian as well as those of a special guardian.

SECTION 15. This is the correction of a typographical error.

gage contains no words purporting to release her dower or other estate or interest in the land, the conveyance or mortgage shall have the same effect as if it contained a bar of dower by the wife, and she thereby barred her dower in the land.

Rev. Stat.,
c. 143, s. 15,
amended.

16. Section 15 of *The Estreats Act* is amended by striking out the words "the judges of the Supreme Court authorized to make rules for regulating the practice of the Court" in the first and second lines and inserting in lieu thereof the words "subject to the approval of the Lieutenant-Governor in Council, the Rules Committee", so that the said section shall now read as follows:

Rules.

15. Subject to the approval of the Lieutenant-Governor in Council, the Rules Committee may make rules regulating the practice and procedure for the estreating of recognizances in the Supreme Court or in the court of general sessions of the peace.

Rev. Stat.,
c. 329, s. 4,
amended.

17.—(1) Section 4 of *The Fire Marshals Act* is amended by adding thereto the following clause:

(ff) on the instructions of the Minister to investigate the cause, origin and circumstances of any explosion or of any conditions which in the opinion of the Minister might have caused fire, explosion, loss of life or damage to property and so far as possible determine whether such explosion was or conditions were the result of carelessness or design.

Rev. Stat.,
c. 329, s. 23,
amended.

(2) Section 23 of *The Fire Marshals Act* is amended by adding thereto the following subsections:

Oil refineries,
chemical
plants, etc.

(3) No person shall erect or establish an oil refinery or plant for the manufacture or bulk storage of explosives or chemicals of a flammable or explosive nature without the written approval of the Fire Marshal as to the location thereof, having regard to the topography of the district and the types of construction and occupancy of buildings and lands in the district.

Idem.

(4) Every person proceeding to erect or establish such a refinery or plant without such approval may be restrained by action at the instance of the Minister from so proceeding or from operating such refinery or plant.

Commence
of sub-
section 2.

(3) Subsection 2 shall come into force on the day upon which this Act receives the Royal Assent.

SECTION 16. This amendment is complementary to Bill No. 37, *An Act to amend The Judicature Act*, and vests in the Rules Committee the power to make rules under *The Estreats Act*. The power to make rules is subject to the approval of the Lieutenant-Governor in Council.

SECTION 17—Subsection 1. The amendment removes doubt as to the right of the Fire Marshal to investigate conditions which would have resulted in a fire, explosion, loss of life or damage to property had discovery of the conditions not been made.

Subsections 2 and 3. Self-explanatory. It is considered that such control is in the public interest.

Rev. Stat.,
c. 104, s. 11,
subs. 1,
amended.

18. Subsection 1 of section 11 of *The General Sessions Act* is amended by striking out the words "notwithstanding the provisions of any other Act of this Legislature the Lieutenant-Governor in Council" in the first and second lines and inserting in lieu thereof the words "subject to the approval of the Lieutenant-Governor in Council the Rules Committee", so that the said subsection shall now read as follows:

Power of
Rules Com-
mittee as
to,—

(1) Subject to the approval of the Lieutenant-Governor in Council the Rules Committee may,—

Rules of
practice;

(a) make rules for regulating the practice and procedure in the county and district courts;

Fees of
Crown;

(b) make rules and regulations regulating and fixing all fees payable to the Crown in respect of proceedings in such courts;

Fees of
solicitors;

(c) prescribe a tariff of fees to be allowed to solicitors and counsel practising in such courts;

Forms.

(d) prescribe forms for use in such courts.

Rev. Stat.,
c. 129, s. 1,
amended.

19.—(1) Section 1 of *The Habeas Corpus Act* is amended by adding thereto the following subsection:

Notice of
application
for writ of
habeas
corpus.

(1a) Notice in writing of every application for a writ of *habeas corpus ad subjiciendum* shall be given to the Attorney-General at least forty-eight hours before the making of such application and the Attorney-General shall be entitled as of right to be heard either in person or by counsel upon the application.

Rev. Stat.,
c. 129,
s. 10,
amended.

(2) Section 10 of *The Habeas Corpus Act* is amended by striking out the words "the judges authorized under *The Judicature Act* to make rules" in the first and second lines and inserting in lieu thereof the words "subject to the approval of the Lieutenant-Governor in Council, the Rules Committee", so that the said section shall now read as follows:

Power to
make rules.

10. Subject to the approval of the Lieutenant-Governor in Council, the Rules Committee may make such rules of practice in reference to the proceedings on writs of *habeas corpus* as may seem necessary or expedient.

Rev. Stat.,
c. 320, s. 1,
cl. b,
repealed.

20.—(1) Clause *b* of section 1 of *The Hotel Fire Accidents Prevention Act* is repealed.

Rev. Stat.,
c. 320,
amended.

(2) *The Hotel Fire Accidents Prevention Act* is amended by adding thereto the following sections:

SECTION 18. This amendment is complementary to Bill No. 37, *An Act to amend The Judicature Act*, and vests in the Rules Committee the power to make rules under *The General Sessions Act*. The power to make rules is subject to the approval of the Lieutenant-Governor in Council.

SECTION 19—Subsection 1. The amendment provides that forty-eight hours notice of every application for a writ of *habeas corpus* be given to the Attorney-General who shall then be entitled to appear on the application.

Subsection 2. This amendment is complementary to Bill No. 37, *An Act to amend The Judicature Act*, and vests in the Rules Committee the power to make rules under *The Habeas Corpus Act*. The power to make rules is subject to the approval of the Lieutenant-Governor in Council.

SECTION 20—Subsection 1. The definition of "inspector" is repealed.

Subsection 2. The Lieutenant-Governor in Council is authorized to make regulations regarding the construction, alteration, remodelling, fire prevention and fire protection equipment and facilities in hotels. The Lieutenant-Governor in Council may authorize any person to perform the duty of an inspector under the Act.

Regulations.

11. The Lieutenant-Governor in Council may make regulations,—

- (a) regulating and prescribing the mode of construction and materials to be used in the construction, alteration or remodelling of any hotel;
- (b) requiring the erection or installation of fire-proof stairways, fire escapes, balconies, fire alarms, signs, doors, windows, exits, fire prevention and fire protection equipment in or outside of any hotel and prescribing the mode of construction thereof and the materials to be used therein; and
- (c) generally for providing for the prevention of fires in hotels and for the means of escape from hotels in the event of fire.

Inspector.

12. The Lieutenant-Governor in Council may authorize any person to perform the duties of inspector under this Act and the regulations and may designate and assign the duties to be performed by him.

Rev. Stat.,
c. 1, s. 32,
amended.

21. Section 32 of *The Interpretation Act* is amended by adding thereto the following clause:

"Rules
Committee."

(zgg) "Rules Committee" shall mean Rules Committee established under *The Judicature Act*.

Rev. Stat.,
c. 100.

Rev. Stat.,
c. 132, s. 19,
amended.

22. Section 19 of *The Justices of the Peace Act* as amended by section 15 of *The Statute Law Amendment Act, 1939*, is repealed and the following substituted therefor:

Fees in cer-
tain cases
not other-
wise pro-
vided for.

Rev. Stat.,
c. 136.

19. In cases not provided for by the *Criminal Code* and *The Summary Convictions Act*, the Lieutenant-Governor in Council may prescribe the fees to be paid by a county, or, in the case of a provisional judicial district by the Province to a justice of the peace or magistrate not receiving a salary.

Rev. Stat.,
c. 174,
s. 142,
subs. 1,
amended.

23. Subsection 1 of section 142 of *The Land Titles Act* is amended by striking out the words "the judges of the Supreme Court" in the first and second lines and inserting in lieu thereof the words "subject to the approval of the Lieutenant-Governor in Council, the Rules Committee", so that the said subsection exclusive of the clauses shall now read as follows:

Power to
make general
rules.

(1) The Lieutenant-Governor in Council, or subject to the approval of the Lieutenant-Governor in Council, the Rules Committee, under the authority of section

SECTION 21. This section is complementary to Bill No. 37, *An Act to amend The Judicature Act*, which provides for the appointment of a Rules Committee. "Rules Committee" is defined in *The Interpretation Act* in order that the term may be used in any statute without defining it therein.

SECTION 22. *The Justices of the Peace Act* is amended to permit the Lieutenant-Governor in Council to prescribe fees for justices of the peace in cases not provided for by the *Criminal Code* or *The Summary Convictions Act*.

SECTION 23. This amendment is complementary to Bill No. 37, *An Act to amend The Judicature Act*, and vests in the Rules Committee the power to make rules under *The Land Titles Act*. The power to make rules is subject to the approval of the Lieutenant-Governor in Council.

Rev. Stat.,
c. 100.

106 of *The Judicature Act*, which is to be read as applying to this Act, may make general rules in respect of,—

.

Rev. Stat.,
c. 269, s. 27,
subs. 1,
amended.

24. Subsection 1 of section 27 of *The Local Improvement Act* is amended by striking out "otherwies" in the tenth line and inserting in lieu thereof the word "otherwise".

Rev. Stat.,
c. 208, s. 7,
amended.

25. Section 7 of *The Matrimonial Causes Act* is amended by striking out the words "the judges" in the fourth line and inserting in lieu thereof the words "subject to the approval of the Lieutenant-Governor in Council, the Rules Committee", so that the said section shall now read as follows:

Rules made
confirmed
with right
to repeal,
amend, etc.

7. The rules passed by the Judges of the Supreme Court relating to the conduct of matrimonial causes are confirmed and declared to have the same force and effect as if they were embodied in this Act, but subject to the approval of the Lieutenant-Governor in Council, the Rules Committee may nevertheless from time to time pass rules for the repealing, amending or varying the same.

Rev. Stat.,
c. 110, s. 35,
subs. 1,
amended.

26. Subsection 1 of section 35 of *The Mental Incompetency Act* is amended by striking out the words "the Supreme Court" in the first line and inserting in lieu thereof the words "subject to the approval of the Lieutenant-Governor in Council, the Rules Committee", so that the said subsection shall now read as follows:

Rules.

(1) Subject to the approval of the Lieutenant-Governor in Council, the Rules Committee may make rules for carrying this Act into effect and for regulating the costs in relation thereto, and except where inconsistent with the provisions of this Act or such rules, *The Judicature Act* and rules made thereunder shall apply to proceedings under this Act.

Rev. Stat.,
c. 100.

Rev. Stat.,
c. 266,
s. 197,
amended.

27. Section 197 of *The Municipal Act* is amended by striking out the words "the judges of the Supreme Court" in the first line and inserting in lieu thereof the words "subject to the approval of the Lieutenant-Governor in Council, the Rules Committee", so that the said section shall now read as follows:

Rules Com-
mittee to
make rules,
etc.

197. Subject to the approval of the Lieutenant-Governor in Council, the Rules Committee may make rules regulating the practice and procedure in relation to proceedings under this Part, including the costs

SECTION 24. A typographical error is corrected.

SECTION 25. This amendment is complementary to Bill No. 37, *An Act to amend The Judicature Act*, and vests in the Rules Committee the power of make rules under *The Matrimonial Causes Act*. The power to make rules is subject to the approval of the Lieutenant-Governor in Council.

SECTION 26. This amendment is complementary to Bill No. 37, *An Act to amend The Judicature Act*, and vests in the Rules Committee the power to make rules under *The Mental Incompetency Act*. The power to make rules is subject to the approval of the Lieutenant-Governor in Council.

SECTION 27. This amendment is complementary to Bill No. 37, *An Act to amend The Judicature Act*, and vests in the Rules Committee the power to make rules under *The Municipal Act*. The power to make rules is subject to the approval of the Lieutenant-Governor in Council.

of and incidental to them, and as to matters not provided for in it, or by rules of court, the practice and procedure of the Supreme Court shall be applicable.

Rev. Stat.,
c. 280, s. 14,
amended.

28. Section 14 of *The Municipal Arbitrations Act* is amended by striking out the words "the judges of the Supreme Court" in the first line and inserting in lieu thereof the words "subject to the approval of the Lieutenant-Governor in Council, the Rules Committee", and by striking out the words "they have" in the third line and inserting in lieu thereof the words "it has", so that the said section shall now read as follows:

Power to
make rules
and tariff.

14. Subject to the approval of the Lieutenant-Governor in Council, the Rules Committee shall have the same power to make rules with respect to matters and proceedings under this Act and tariffs of fees as it has in respect to proceedings under *The Judicature Act*.

Rev. Stat.,
c. 100.

Rev. Stat.,
c. 278,
s. 117,
amended.

29.—(1) Section 117 of *The Municipal Drainage Act* is amended by striking out the words "the judges of the Supreme Court" in the first line and inserting in lieu thereof the words "subject to the approval of the Lieutenant-Governor in Council, the Rules Committee", and by striking out the words "they have" in the third line and inserting in lieu thereof the words "it has", so that the said section shall now read as follows:

Rules Com-
mittee may
make rules.

117. Subject to the approval of the Lieutenant-Governor in Council, the Rules Committee shall have the same authority to make general rules with respect to proceedings before the referee and appeals from him as it has with respect to proceedings under *The Judicature Act*, and section 106 of that Act shall apply thereto.

Rev. Stat.,
c. 100.

Rev. Stat.,
s. 118,
subs. 2,
amended.

(2) Subsection 2 of section 118 of *The Municipal Drainage Act* is amended by striking out the words "such rules and tariffs, whether made by the judges or" in the first line and inserting in lieu thereof the words "the rules and tariffs framed by", so that the said subsection shall now read as follows:

Publication.

(2) The rules and tariffs framed by the referee shall be published in the *Ontario Gazette* and shall thereupon have the force of law, and the same shall be laid before the Assembly at its next session after promulgation thereof.

SECTION 28. This amendment is complementary to Bill No. 37, *An Act to amend The Judicature Act* and vests in the Rules Committee the power to make rules under *The Municipal Arbitrations Act*. The power to make rules is subject to the approval of the Lieutenant-Governor in Council.

SECTION 29. This amendment is complementary to Bill No. 37, *An Act to amend The Judicature Act*, and vests in the Rules Committee the power to make rules under *The Municipal Drainage Act*. The power to make rules is subject to the approval of the Lieutenant-Governor in Council.

Rev. Stat.,
c. 207, s. 22,
subs. 3,
amended

30. Subsection 3 of section 22 of *The Marriage Act* is amended by inserting at the end thereof the words "provided that no fee shall be payable for such authorization where the applicant is a member of His Majesty's Active Service Forces," so that the said subsection shall now read as follows:

Special
action by
Provincial
Secretary
where pub-
lication has
not taken
place.

- (3) Upon the applicant for a license or certificate stating that no such advertisement, as required by subsection 2, has been published, the issuer may report the circumstances to the Provincial Secretary, who, if he is satisfied that the reason for having the marriage solemnized in the place mentioned in the affidavit is not in order to evade due publicity or for any other improper purpose, may in writing authorize the issue of the license or certificate, and in that case, a fee of \$5 shall be paid for such authorization in addition to the usual license fee; provided that no fee shall be payable for such authorization where the applicant is a member of His Majesty's Active Service Forces."

1939 (2nd
Sess.), c. 7,
repealed.

31. *The Organization of Resources Act, 1939*, is repealed.

Rev. Stat.,
c. 30, s. 1,
cl. b,
amended.

32. Clause *b* of section 1 of *The Provincial Land Tax Act* is amended by striking out subclause ii and substituting therefore the following:

- (ii) land being held and used for mining purposes acquired under or pursuant to the provisions of any statute, regulation or law at any time in force authorizing the granting or leasing of Crown lands for such purposes;
- (iia) ores, mines, minerals or mining rights acquired in any land, and all buildings, improvements, substructures, superstructures, machinery and fixtures erected, made or installed in or on any land for mining purposes.

Rev. Stat.,
c. 390, s. 20,
amended.

33. Section 20 of *The Public Hospitals Act* is amended by adding thereto the following subsection:

Notice to
clerk of
local muni-
cipality.

- (3) Where the superintendent notifies the clerk of a county in accordance with the provisions of subsection 1 or subsection 2, he shall, at the same time and in the same manner, notify the clerk of the local municipality in which such indigent person is or is represented to be a resident.

Rev. Stat.,
c. 166, s. 8,
amended.

34. Section 8 of *The Public Trustee Act* is amended by adding thereto the following subsection:

SECTION 30. Under *The Marriage Act* a special fee of \$5.00 is payable where both parties to the marriage are from outside of Ontario. The amendment waives the special fee in the case of a member of His Majesty's Active Service Forces.

SECTION 31. *The Organization of Resources Act, 1939*, is repealed.

SECTION 32. The amendments to section 1 of *The Provincial Land Tax Act* are designed to clarify the exemption from taxation under the Act granted to lands patented under *The Mining Act* and being held and used for mining purposes, and to extend such exemption to ores, mines, minerals or mining rights acquired in any land.

SECTION 33. *The Public Hospitals Act* is amended to require a superintendent who sends a notice to the clerk of the county regarding an indigent patient to also notify the clerk of the local municipality affected.

SECTION 34. The new subsection permits the Public Trustee to charge for special services performed by a member of his staff in the same manner as though he employed a person other than a member of his staff to perform the particular service.

Services of
staff may be
charged for.

- (3) Notwithstanding anything contained in this or any other Act, the Public Trustee may in connection with any estate or trust administered or managed by him make a reasonable charge for any service performed by a member of the staff of his office where the service is one for which a charge would be allowed as a disbursement against the estate or trust if performed by a person retained, engaged or employed to perform such service by a private trustee, and every such charge shall for the purpose of such estate or trust be deemed to be a disbursement.

Rev. Stat.,
c. 289, s. 2,
subs. 6,
amended.

35.—(1) Subsection 6 of section 2 of *The Public Vehicle Act* is amended by striking out the word “shall” where it occurs the first time in the third line and inserting in lieu thereof the word “may”, and by inserting after the word “and” in the third line the words “subject to the provisions of subsection 1 of section 21”, so that the said subsection shall now read as follows:

Number of
passengers
and tonnage
of freight.

- (6) The license and permit issued by the Department shall fix the number of passengers or tonnage of express freight which each public vehicle may carry, and subject to the provisions of subsection 1 of section 21, no vehicle shall at any time carry more passengers or more tonnage than is fixed by the said license.

Rev. Stat.,
c. 289,
amended.

(2) *The Public Vehicle Act* is amended by adding thereto the following section:

Prosecutions.

29. No prosecution shall be instituted under this Act without the consent of an officer of the Ontario Provincial Police Force, or of an officer of the Department designated by the Minister to assist in the enforcement of this Act.

Rev. Stat.,
c. 169, s. 46,
subs. 1,
amended.

36.—(1) Subsection 1 of section 46 of *The Quieting Titles Act* is amended by striking out the words “the judges authorized under *The Judicature Act*” in the first and second lines and inserting in lieu thereof the words “subject to the approval of the Lieutenant-Governor in Council, the Rules Committee”, so that the said subsection shall now read as follows:

Rules Com-
mittee may
make general
rules for
carrying out
this Act.

- (1) Subject to the approval of the Lieutenant-Governor in Council, the Rules Committee may make rules for referring petitions under this Act to any referee of titles or other officer of the Court, or to any counsel or other person and may regulate the fees to be paid on such references.

SECTION 35—Subsection 1. Subsection 6 of section 2 is rendered consistent with subsection 1 of section 21 which permits a limited number of persons to stand upon a public vehicle while it is being operated.

Subsection 2. The proposed section provides that a prosecution under *The Public Vehicle Act* may be instituted only with the consent of an officer of the Ontario Provincial Police Force or an Officer designated by the Minister of Highways.

SECTION 36. This amendment is complementary to Bill No. 37, *An Act to amend The Judicature Act*, and vests in the Rules Committee the power to make rules under *The Quieting Titles Act*. The power to make rules is subject to the approval of the Lieutenant-Governor in Council.

Rev. Stat.,
c. 169, s. 46,
subs. 2,
amended.

(2) Subsection 2 of the said section 46 is amended by striking out the words "the judges" in the first line and inserting in lieu thereof the words "subject to the approval of the Lieutenant-Governor in Council, the Rules Committee", so that the said subsection shall now read as follows:

Rules for
practice and
procedure.

(2) Subject to the approval of the Lieutenant-Governor in Council, the Rules Committee may also make rules for the purposes of and for regulating the practice or procedure under this Act notwithstanding that the practice or procedure prescribed by this Act may be thereby varied.

Rev. Stat.,
c. 326, s. 3,
subs. 1,
amended.

37. Subsection 1 of section 3 of *The Railway Fire Charge Act* is amended by striking out the word "May" in the fourth line and inserting in lieu thereof the word "April", so that the said subsection shall now read as follows:

Liability of
tenant.

(1) A tenant of railway lands shall be jointly and severally liable with the owner for the payment of the charge hereby imposed and the charge imposed by this Act shall become due and be payable on or before the 1st day of April in each year.

Rev. Stat.,
c. 124, s. 7,
amended.

38. Section 7 of *The Reciprocal Enforcement of Judgments Act* is amended by striking out the words "rules of court may be made" in the first line and inserting in lieu thereof the words "subject to the approval of the Lieutenant-Governor in Council, the Rules Committee may make rules of court", so that the said section shall now read as follows:

Power to
make rules
of court.

7. Subject to the approval of the Lieutenant-Governor in Council, the Rules Committee may make rules of court for regulating the practice and procedure, (including costs), in respect of proceedings of any kind under this Act.

Rev. Stat.,
c. 291, s. 12,
amended.

39.—(1) Section 12 of *The Snow Roads and Fences Act* is amended by adding thereto the following subsection:

Penalty.

(3) Any person who hinders or interferes with the erection of snow fences under the provisions of this Act, or who takes down, removes or otherwise interferes with snow fences which have been erected hereunder shall incur a penalty of not less than \$1 or more than \$50.

Rev. Stat.,
s. 291, s. 13,
amended.

(2) Section 13 of *The Snow Roads and Fences Act* is amended by striking out the words and figures "mentioned in sections 7 and 8" in the first line and inserting in lieu thereof the words "imposed by this Act", so that the said section shall now read as follows:

SECTION 37. This amendment makes the time for payment coincide with the commencement of the fiscal year.

SECTION 38. This amendment is complementary to Bill No. 37, *An Act to amend The Judicature Act*, and vests in the Rules Committee the power to make rules under *The Reciprocal Enforcement of Judgments Act*. The power to make rules is subject to the approval of the Lieutenant-Governor in Council.

SECTION 39 imposes penalties recoverable upon summary conviction on persons interfering with snow fences or their erection.

Recovery of penalties.
Rev. Stat.,
c. 136.

13. The penalties imposed by this Act shall be recoverable under *The Summary Convictions Act*.

Rev. Stat.,
c. 315, s. 3,
amended.

40. Section 3 of *The Soldiers' Aid Commission Act* is amended by adding thereto the following subsection:

Powers of Commission extended.

(3) Notwithstanding anything in the said Order-in-Council dated the 10th day of November, 1915, the Commission shall have and may exercise the like powers and may grant the same assistance to persons who are serving or have served in the military, naval or air forces of Canada or the British Empire or any part or ally thereof in the present war as the Commission may grant to members of the Canadian Expeditionary Forces under the terms of the Order-in-Council of the 10th day of November, 1915.

Rev. Stat.,
c. 223, s. 44,
amended.

41. Section 44 of *The Solicitors Act* is amended by striking out the words "the judges of the Supreme Court" in the first line and inserting in lieu thereof the words "subject to the approval of the Lieutenant-Governor in Council, the Rules Committee", so that the said section shall now read as follows:

Rules Committee to make rules.

44. Subject to the approval of the Lieutenant-Governor in Council, the Rules Committee may make general rules or regulations, other than rules relating to the admission and enrolment of solicitors, for carrying out the provisions of this Act.

1939, c. 46,
s. 6, cl. c,
amended.

42.—(1) Clause *c* of section 6 of *The Southern Algoma Railway Company Act, 1939*, is amended by striking out the words "District of Algoma" in the second line and inserting in lieu thereof the words "Districts of Algoma and Sudbury", so that the said clause shall now read as follows:

(c) to construct, purchase, acquire and operate other railways within the Districts of Algoma and Sudbury in the Province of Ontario.

1939, c. 46,
s. 8,
amended.

(2) Section 8 of *The Southern Algoma Railway Company Act, 1939*, is amended by inserting after the word "(Ontario)" in the second line the words and figures "except section 141", so that the said section shall now read as follows:

Application of provisions of Rev. Stat., c. 259.

8. Save as otherwise provided by this Act, *The Railway Act* (Ontario), except section 141, shall apply to the said railway and the whole undertaking thereof.

1939 (2nd Session),
c. 1, s. 4,
subs. 1,
amended.

43.—(1) Subsection 1 of section 4 of *The Succession Duty Act, 1939*, is amended by adding thereto the following clause:

SECTION 40. *The Soldiers' Aid Commission Act* is amended to permit the Commission to grant assistance to persons who are serving or have served in the military, naval or air forces of Canada, the British Empire or any part or ally thereof, in the present war.

SECTION 41. This amendment is complementary to Bill No. 37, *An Act to amend The Judicature Act*, and vests in the Rules Committee the power to make rules under *The Solicitors Act*. The power to make rules is subject to the approval of the Lieutenant-Governor in Council.

SECTION 42. The amendments permit the Southern Algoma Railway Company to construct and acquire railways in the District of Sudbury as well as the District of Algoma. The Provision of *The Railway Act* (Ontario) requiring construction of a railway within a limited time after the incorporation of the railway company, is dispensed with.

SECTION 43. *The Succession Duty Act, 1939*, is amended to exempt from duty property passing upon death for religious, charitable or educational purposes carried out in any other province of Canada which allows a similar exemption where the purpose is carried out in Ontario.

- (l) any property passing on the death of the deceased to any religious, charitable or educational organization for religious, charitable or educational purposes carried out in any Province of Canada other than Ontario which is shown to the satisfaction of the Treasurer to allow the same exemption on property, given, devised or bequeathed to any religious, charitable or educational organization for religious, charitable or educational purposes carried out in Ontario.

1939 (2nd Session),
c. 1, s. 4,
subs. 2,
amended.

- (2) Subsection 2 of the said section 4 is amended by striking out the word and letter "or *d*" in the fourth line and inserting in lieu thereof the letters and word "*d* or *l*" so that the said subsection shall now read as follows:

Meaning of
religious,
charitable,
educational.

- (2) For the purposes of subsection 1 the Treasurer may in his absolute discretion determine whether any purpose or organization is a religious, charitable or educational purpose or organization within the meaning of clause *a, b, c, d* or *l* of subsection 1.

Commence-
ment of
section.

- (3) This section shall come into force on the day upon which this Act receives the Royal Assent.

Rev. Stat.,
c. 106, s. 75,
subs. 1,
amended.

- 44.** Subsection 1 of section 75 of *The Surrogate Courts Act* is amended by striking out the words "notwithstanding the provisions of any other Act of this Legislature the Lieutenant-Governor in Council" in the first and second lines and inserting in lieu thereof the words "subject to the approval of the Lieutenant-Governor in Council the Rules Committee", so that the said subsection shall now read as follows:

Power of
Rules Com-
mittee as
to,—

- (1) Subject to the approval of the Lieutenant-Governor in Council the Rules Committee may,—

Rules of
practice;

- (a) make rules for regulating the practice and procedure in the surrogate courts;

Fees;

- (b) make rules and regulations regulating and fixing all fees payable to the Crown, the judge, the registrar, and other officers of the court, and fees and expenses payable to witnesses, in respect of proceedings in such courts;

Fees of
solicitors;

- (c) prescribe a tariff of fees to be allowed to solicitors and counsel practising in such courts;

Forms.

- (d) prescribe forms for use in such courts.

SECTION 44. This amendment is complementary to Bill No. 37, *An Act to amend The Judicature Act*, and vests in the Rules Committee the power to make rules under *The Surrogate Courts Act*. The power to make rules is subject to the approval of the Lieutenant-Governor in Council.

Rev. Stat.,
c. 274, s. 1,
re-enacted.

45.—(1) Section 1 of *The Statute Labour Act* is repealed and the following substituted therefor:

Exemptions
of persons
in Naval,
Military or
Air Forces.

1. No person who is a member of the Naval, Military or Air Forces of Canada, or who is called out on active service or for annual training, or who is engaged in or called to the performance of naval, military or other duty in pursuance of orders in that behalf, shall be liable to perform statute labour or to commute therefor.

Rev. Stat.,
c. 274, s. 16,
subs. 1,
amended.

(2) Subsection 1 of section 16 of *The Statute Labour Act* is amended by striking out all the words after the word “conducted” in the second line, so that the said subsection shall now read as follows:

Mode of
voting.

- (1) The landholders present shall decide how the voting for commissioners shall be conducted.

Rev. Stat.,
c. 319, ss.
2 and 21,
amended.

46. *The Theatres and Cinematographs Act* is amended by striking out the word “operators” in the twelfth line of section 2 and inserting in lieu thereof the word “projectionists”, and by striking out the words “an operator” in the first line of section 21 and inserting in lieu thereof the words “a projectionist”.

Power to
convey
Toronto
Radial Rail-
way lands.

1927, c. 58.

1921, c. 24.

47.—(1) It is declared that the corporation of the city of Toronto has and has had since the 11th day of January, 1927, the right to sell, convey, lease or otherwise dispose of any real or personal property vested in the said corporation under *The Toronto Radial Railway Act, 1927*, free and clear from any lien or charge on account of bonds to the amount of \$2,375,000 mentioned in subsection 2 of section 9 of *The Toronto Radial Railway Act, 1921*, and any conveyance, lease or other assurance heretofore or hereafter made by the said corporation purporting to convey, lease or otherwise dispose of any such real or personal property to any person has had and shall have the effect of vesting in such person the interest so conveyed, leased or otherwise disposed of free and clear from any charge or lien on account of the said bonds.

1929, c. 23,
s. 20,
subs. 3,
repealed.

(2) Subsection 3 of section 20 of *The Statute Law Amendment Act, 1929*, is repealed.

1939, c. 51,
s. 24, subs. 1,
cl. a, re-
enacted.

48. Clause a of subsection 1 of section 24 of *The Training Schools Act, 1939*, is repealed and the following substituted therefor:

Penalties.

- (a) aids or abets any boy or girl to escape from or unlawfully leave a training school or foster home;

SECTION 45.—Subsection 1. At present members of the Military and Naval Forces and volunteers are exempt from statute labour. The amendment extends the exemption to members of the Air Force and trainees.

Subsection 2. At present road commissioners in unincorporated townships are, when the vote is open, elected one at a time. When the voting is by ballot all the commissioners must be elected together, each voter voting for as many persons as there are commissioners to be elected. A separate ballot system cannot be employed. Under the subsection as amended the landowners will decide, without restriction, how the voting is to be conducted.

SECTION 46. The amendment is to make uniform the terminology used in the Act.

SECTION 47. The financing of the purchase of the Toronto Radial Railways by the city of Toronto in 1921 has now been completed and the obligations of the city of Toronto, the Hydro-Electric Power Commission and the Province of Ontario in connection with such purchase are now discharged.

This section of the Bill,—

- (1) clarifies the situation with respect to the title to the properties of the Toronto Radial Railways which have been or may be disposed of by the city of Toronto; and
- (2) repeals the provision which requires the approval of the Lieutenant-Governor in Council to any such disposition, as such approval was proper during the financing period only.

SECTION 48. The amendment provides a penalty for aiding or abetting a child in unlawfully leaving a foster home as well as for unlawfully harbouring or concealing a child who has escaped from or unlawfully left a training school or foster home unless notice is given to the training school or the police authorities.

- (aa) knowingly harbours or conceals a boy or girl who has escaped from or unlawfully left a training school or foster home without giving notice of the child's whereabouts to the training school or to the local police authorities.

Rev. Stat.,
c. 165, s. 6,
cl. c,
amended.

49. Clause *c* of section 6 of *The Trustee Act* is amended by striking out the words "this section" in the seventh line and inserting in lieu thereof the word and figure "section 3", so that the said clause shall now read as follows:

Where not
less than
two to be
appointed.

- (c) it shall not be obligatory to appoint more than one new trustee where only one trustee was originally appointed, or to fill up the original number of trustees where more than two trustees were originally appointed; but, except where only one trustee was originally appointed, a trustee shall not be discharged under section 3 from his trust unless there will be at least two trustees to perform the trust; and

.

Rev. Stat.,
c. 88,
amended.

50. *The Vital Statistics Act* is amended by adding thereto the following section:

Adopted
child.

27a.—(1) Where the name of a child whose birth has been registered in Ontario is changed by an order of adoption under the provisions of *The Adoption Act*, the Registrar-General, on receipt of a copy of such order, transmitted pursuant to section 12 of *The Adoption Act*, shall make on the registration of birth a notation "ADOPTED" with a reference to the adoption order, and shall endorse on the copy of the adoption order a reference to the registration of the birth.

Rev. Stat.,
c. 218.

Idem.

- (2) Where the name of a child whose birth has been registered in Ontario has been changed by an order, judgment or decree of adoption made by a court of competent jurisdiction in another Province or country, the Registrar-General, on receipt of a copy of such order, judgment or decree, certified by the proper officer under his seal of office, if any, may make the notation, reference and endorsement as in subsection 1 provided.

Rev. Stat.,
c. 7, s. 5,
subs. 17,
amended.

51. Subsection 17 of section 5 of *The Voters' Lists Act* as amended by section 29 of *The Statute Law Amendment Act, 1940*, is further amended by striking out the word "sixty-five" in the fourth line and inserting in lieu thereof the word

SECTION 49. A reference is corrected.

SECTION 50. *The Vital Statistics Act* is amended to provide for a notation of the adoption and consequent change of name of a child to be made by the Registrar-General upon his records of the birth of such child. He will also endorse a reference to the registration of the birth upon a copy of the adoption order.

SECTION 51. This amendment is complementary to Bill No. 57, *An Act to amend The Jurors Act*, which raises the age limit for jurors from sixty-five to seventy years.

"seventy" so that the said subsection shall now read as follows:

Entries of
those quali-
fied as
jurors.

- (17) The clerk in making out the voters' list shall in a separate column provided for the purpose, write or mark the letter "J" upon the voters' list opposite the name of every male person over twenty-one and under seventy years of age, who by the roll appears to possess the property qualification required to qualify him to serve as a juror, and such voters' list shall show at or near the end of the second part, the aggregate number of names of persons upon such lists qualified to serve on juries, and in the case of cities and towns such list shall give the same information for each ward.

Waterford
Pond.

52.—(1) The corporations of the Village of Waterford and the Township of Townsend may enter into agreements for the acquisition, maintenance and management of the lands covered by water commonly known as the Waterford Pond and such works and other lands in connection therewith as may be necessary or incidental thereto, and may acquire, maintain and manage such works and lands accordingly.

Joint
property.

(2) The lands and works acquired under this section by the said corporations, or either of them, shall be the joint property of the said corporations.

Supplying
water.

(3) The said corporations may supply water from the said Pond to any person upon such terms and for such period of time as may be agreed.

Contribution
to mainten-
ance.

(4) The corporation of any municipality benefited by the maintenance of the said Pond under this section may contribute to the cost of such maintenance.

Rev. Stat.,
c. 201, s. 39,
amended.

53. Section 39 of *The Woodmen's Lien for Wages Act* is amended by striking out the words "the judges of the district courts, or a majority of them, may prepare and adopt" in the first and second lines and inserting in lieu thereof the words "subject to the approval of the Lieutenant-Governor in Council, the Rules Committee may prescribe", so that the said section shall now read as follows:

Form of
proceedings.

39. Subject to the approval of the Lieutenant-Governor in Council, the Rules Committee may prescribe forms of writs, summonses, attachments and other forms for the more convenient carrying out of the provisions of this Act, and thereafter the same shall be used instead of the forms prescribed by this Act.

Short title.

54. This Act may be cited as *The Statute Law Amendment Act, 1941*.

SECTION 52. The purpose of this section is to enable the Village of Waterford and the Township of Townsend to acquire, maintain and manage Waterford Pond, which is situate in these municipalities.

SECTION 53. This amendment is complementary to Bill No. 37, *An Act to amend The Judicature Act*, and vests in the Rules Committee the power to make rules under *The Woodmen's Lien for Wages Act*. The power to make rules is subject to the approval of the Lieutenant-Governor in Council.



BILL

The Statute Law Amendment Act, 1941.

1st Reading

April 3rd, 1941

2nd Reading

3rd Reading

MR. CONANT

No. 90

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

The Statute Law Amendment Act, 1941.

MR. CONANT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

The Statute Law Amendment Act, 1941.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 141, s. 1,
amended.

1. Section 1 of *The Administration of Justice Expenses Act* is amended by striking out the words "the judges authorized to make rules under *The Judicature Act*" in the first and second lines and inserting in lieu thereof the words "the Lieutenant-Governor in Council", so that the said section shall now read as follows:

Who may
make rules
as to fees.

1. Where not otherwise provided by law the Lieutenant-Governor in Council may make rules fixing and determining the fees to be allowed to counsel, solicitors and other officers and persons for or in respect of any criminal prosecutions, matters, and proceedings in the Supreme Court or court of general sessions of the peace, or under any commission or special commission, or relating to the King's revenue, and shall therein distinguish the fees to be paid by private individuals.

Rev. Stat.,
c. 218, s. 1,
re-enacted.

2. Section 1 of *The Adoption Act* is repealed and the following substituted therefor:

Interpreta-
tion.

1. In this Act,—

"Adopted
child;"

- (a) "Adopted child" shall mean infant or other person authorized to be adopted;

"Adopting
parent;"

- (b) "Adopting parent" shall mean person authorized to adopt an infant or other person;

"Infant;"

- (c) "Infant" shall include any other person sought to be adopted; and

"Minister."

- (d) "Minister" shall mean Minister of Public Welfare.

3. Section 2 of *The Agricultural Associations Act* is amended Rev. Stat., c. 80, s. 2, amended. by striking out the words "The Fruit Growers' Association of Ontario" in the fourth line and inserting in lieu thereof the words "The Ontario Fruit Growers' Association".

4. Section 31 of *The Arbitration Act* is amended by adding Rev. Stat., c. 109, s. 31, amended. at the commencement thereof the words "subject to the approval of the Lieutenant-Governor in Council" and by striking out all the words after the word "by" in the third line and inserting in lieu thereof the words "the Rules Committee", so that the said section shall now read as follows:

31. Subject to the approval of the Lieutenant-Governor in Council, rules of court for the better carrying out of the purposes of this Act and regulating the practice thereunder may be made by the Rules Committee. Power to make rules.

5. Subsection 2 of section 4 of *The Burlington Beach Act* is repealed and the following substituted therefor: Rev. Stat., c. 95, s. 4, subs. 2, re-enacted.

(2) For judicial purposes, Burlington Beach shall continue to remain a portion of the said county, and notwithstanding anything in *The Municipal Act* or in any other Act contained, the commission shall pay to the Corporation of the County of Wentworth on or before the 1st day of December in the year 1941 and in each subsequent year the sum of \$650, or such other sum as may be determined by written agreement between the Commission and the said Corporation filed with the Department of Municipal Affairs, in full satisfaction of all liability to the said county. Burlington Beach to be part of county for judicial purposes. Rev. Stat., c. 266.

6. Subsection 2 of section 21 of *The Registry Act* as amended Rev. Stat., c. 170, s. 21, subs. 2, amended. by section 2 of *The Registry Amendment Act, 1938*, is repealed and the following substituted therefor:

(2) All registry and abstract index books shall be as Pattern. nearly as may be of the like size and description as those heretofore furnished, and shall continue to be of one uniform size as nearly as practicable, and with the approval of the Inspector such registry books may be in loose-leaf form with locking attachment.

7. By-law number 1464 passed by the council of the corporation of the Town of Barrie on the 3rd day of March, 1941, to make a grant of \$1,048.49 to the Barrie Branch of The Canadian Red Cross Society for the purchase of wool for the making of garments for the crew of the ship known as By-laws for patriotic grants validated.

H. M. Corvette Barrie; by-law number 3644 passed by the council of the corporation of the City of Belleville on the 17th day of February, 1941, to provide a grant to the War Savings Committee; by-law number 31-1940 passed by the council of the corporation of the Town of Cornwall on the 13th day of January, 1941, to grant the sum of \$1,000 to the Lord Mayor's Fund in London, England, to assist the children in the bombed areas of England; by-law number 1583 passed by the council of the corporation of the Town of Orillia on the 27th day of January, 1941, to provide for a grant of \$200 to the Orillia War Savings Committee; by-law number 8960 passed by the council of the corporation of the City of Ottawa on the 5th day of December, 1940, to authorize a grant of \$10,000 to the special fund established by the Lord Mayor of London, England, for the purposes of relieving suffering caused by air raids upon London; by-law number 1511 passed by the council of the corporation of the County of Welland on the 20th day of December, 1940, to make a patriotic grant to the Town of Stamford in the County of Lincolnshire, England, for the purpose of buying a Spitfire plane; by-law number 2809 passed by the council of the corporation of the City of Brantford on the 14th day of March, 1941, to authorize the granting of aid to certain Patriotic and Military Organizations; by-law number 437-1941 passed by the council of the corporation of the Township of Crowland on the 26th day of March, 1941, for granting \$100 to The Toronto Evening Telegram War Refugees Fund to assist British War Refugees; by-law number 2337 passed by the council of the corporation of the City of Sarnia on the 17th day of February, 1941, for granting aid to the Committee in charge of the sale of War Savings Certificates; by-law number 754 passed by the council of the corporation of the County of Perth on the 25th day of January, 1941, granting aid to the Salvation Army, the Greek War Relief Fund in the City of Stratford and to Red Cross and Patriotic Societies in the County of Perth are hereby validated and confirmed and declared to be legal, valid and binding upon the said corporations respectively and the ratepayers thereof respectively.

Rev. Stat.,
c. 167, s. 6,
subs. 1,
amended.

8.—(1) Subsection 1 of section 6 of *The Charities Accounting Act* is amended by striking out the words "the Lieutenant-Governor in Council" in the first line and inserting in lieu thereof the words "subject to the approval of the Lieutenant-Governor in Council, the Rules Committee", so that the said subsection shall now read as follows:

Rules.

(1) Subject to the approval of the Lieutenant-Governor in Council, the Rules Committee may make rules,—

(a) prescribing forms of notices and returns to be made under this Act;

- (b) respecting the practice and procedure upon passing the accounts of an executor or trustee under this Act and the tariff of fees and costs to be applicable thereto;
- (c) requiring returns to be made by any such executor or trustee to any department of the Government and the form of such returns;
- (d) regulating the practice and procedure upon any application under section 5;
- (e) generally for the better carrying out of the provisions of this Act.

(2) Subsection 2 of the said section 6 is repealed.

Rev. Stat.,
c. 167, s. 6.
subs. 2,
repealed.

9. The heading immediately preceding section 6 of *The Commissioners for taking Affidavits Act* is repealed.

Rev. Stat.,
c. 121,
amended.

10.—(1) The heading immediately preceding section 100 of *The Companies Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 251,
amended.

ALLOTMENTS.

(2) Section 250 of *The Companies Act* is amended by striking out the word "of" in the third line and inserting in lieu thereof the word "if", so that the said section shall now read as follows:

Rev. Stat.,
c. 251,
s. 250,
amended.

250. The shareholders of the guarantee capital stock shall be entitled to a semi-annual dividend of not more than four per centum on their respective shares if the net profits or unused premiums left after all expenses, losses and liabilities then incurred with the reserve for reinsurance are provided for, shall be sufficient to pay the same.

Dividends.

11. Subsection 1 of section 4 of *The Controverted Elections Act* is amended by striking out the words "the Supreme Court, or a majority of the judges thereof" in the first and second lines and inserting in lieu thereof the words "subject to the approval of the Lieutenant-Governor in Council, the Rules Committee", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 11, s. 4,
subs. 1,
amended.

(1) Subject to the approval of the Lieutenant-Governor in Council, the Rules Committee may make general rules not inconsistent with this Act for the effectual

Power to
make rules
of court.

execution thereof, and the regulation of the practice and procedure and as to costs.

Rev. Stat.,
c. 103, s. 43,
subs. 1,
amended.

12. Subsection 1 of section 43 of *The County Courts Act* is amended by striking out the words "notwithstanding the provisions of any other Act of this Legislature the Lieutenant-Governor in Council" in the first and second lines and inserting in lieu thereof the words "subject to the approval of the Lieutenant-Governor in Council the Rules Committee", so that the said subsection shall now read as follows:

Power of
Rules Com-
mittee as
to,—

(1) Subject to the approval of the Lieutenant-Governor in Council the Rules Committee may,—

Rules of
practice;

(a) make rules for regulating the practice and procedure in the county and district courts;

Fees of
Crown;

(b) make rules and regulations regulating and fixing all fees payable to the Crown in respect of proceedings in such courts;

Fees of
solicitors;

(c) prescribe a tariff of fees to be allowed to solicitors and counsel practising in such courts;

Forms.

(d) prescribe forms for use in such courts.

Rev. Stat.,
c. 163, s. 32,
amended.

13. Section 32 of *The Devolution of Estates Act* is amended by striking out the words "under the provisions of *The Judicature Act*" in the fourth and fifth lines and inserting in lieu thereof the words "by the Rules Committee, subject to the approval of the Lieutenant-Governor in Council", so that the said section shall now read as follows:

Rules of
procedure.

32. Rules regulating the practice and procedure to be followed in all proceedings under this Act, and, a tariff of fees to be allowed and paid to solicitors for services rendered in such proceedings, may be made by the Rules Committee, subject to the approval of the Lieutenant-Governor in Council.

1935, c. 19,
s. 3,
amended.]

14. Section 3 of *The Dionne Quintuplet Guardianship Act, 1935*, as amended by section 3 of *The Dionne Quintuplet Guardianship Amendment Act, 1937*, is further amended by adding thereto the following subsection:

- (7) Notwithstanding anything in this Act, whenever and so long as the number of active guardians is less than three, the Official Guardian shall have all the rights, powers and privileges of an active guardian as well as those of Special Guardian, and shall be deemed to be an active guardian for the purposes of this Act. Where number of active guardians less than three.

15. Section 19 of *The Dower Act* is amended by striking out the word "conveys" in the sixth line and inserting in lieu thereof the word "contains", so that the said section shall now read as follows: Rev. Stat., c. 112, s. 19, amended.

19. Where a wife has joined or hereafter joins in a conveyance or mortgage purporting to convey or mortgage land, or has signed or signs, otherwise than as a witness, a conveyance or mortgage by which her husband conveys or mortgages or purports to convey or mortgage land, but the conveyance or mortgage contains no words purporting to release her dower or other estate or interest in the land, the conveyance or mortgage shall have the same effect as if it contained a bar of dower by the wife, and she thereby barred her dower in the land. Wife joining in deed without releasing dower.

16. Section 15 of *The Estreats Act* is amended by striking out the words "the judges of the Supreme Court authorized to make rules for regulating the practice of the Court" in the first and second lines and inserting in lieu thereof the words "subject to the approval of the Lieutenant-Governor in Council, the Rules Committee", so that the said section shall now read as follows: Rev. Stat., c. 143, s. 15, amended.

15. Subject to the approval of the Lieutenant-Governor in Council, the Rules Committee may make rules regulating the practice and procedure for the estreating of recognizances in the Supreme Court or in the court of general sessions of the peace. Rules.

17. Section 4 of *The Fire Marshals Act* is amended by adding thereto the following clause: Rev. Stat., c. 329, s. 4, amended.

- (ff) on the instructions of the Minister to investigate the cause, origin and circumstances of any explosion or of any conditions which in the opinion of the Minister might have caused fire, explosion, loss of life or damage to property and so far as possible determine whether such explosion was or conditions were the result of carelessness or design.

Rev. Stat.,
c. 104, s. 11,
subs. 1,
amended.

18. Subsection 1 of section 11 of *The General Sessions Act* is amended by striking out the words "notwithstanding the provisions of any other Act of this Legislature the Lieutenant-Governor in Council" in the first and second lines and inserting in lieu thereof the words "subject to the approval of the Lieutenant-Governor in Council the Rules Committee", so that the said subsection shall now read as follows:

Power of
Rules Com-
mittee as
to,—

(1) Subject to the approval of the Lieutenant-Governor in Council the Rules Committee may,—

Rules of
practice;

(a) make rules for regulating the practice and procedure in the county and district courts;

Fees of
Crown;

(b) make rules and regulations regulating and fixing all fees payable to the Crown in respect of proceedings in such courts;

Fees of
solicitors;

(c) prescribe a tariff of fees to be allowed to solicitors and counsel practising in such courts;

Forms.

(d) prescribe forms for use in such courts.

Rev. Stat.,
c. 129, s. 1,
amended.

19.—(1) Section 1 of *The Habeas Corpus Act* is amended by adding thereto the following subsection:

Notice of
application
for writ of
habeas
corpus.

(1a) Notice in writing of every application for a writ of *habeas corpus ad subjiciendum* shall be given to the Attorney-General at least forty-eight hours before the making of such application and the Attorney-General shall be entitled as of right to be heard either in person or by counsel upon the application.

Rev. Stat.,
c. 129,
s. 10,
amended.

(2) Section 10 of *The Habeas Corpus Act* is amended by striking out the words "the judges authorized under *The Judicature Act* to make rules" in the first and second lines and inserting in lieu thereof the words "subject to the approval of the Lieutenant-Governor in Council, the Rules Committee", so that the said section shall now read as follows:

Power to
make rules.

10. Subject to the approval of the Lieutenant-Governor in Council, the Rules Committee may make such rules of practice in reference to the proceedings on writs of *habeas corpus* as may seem necessary or expedient.

Rev. Stat.,
c. 320, s. 1,
cl. b,
repealed.

20.—(1) Clause *b* of section 1 of *The Hotel Fire Accidents Prevention Act* is repealed.

Rev. Stat.,
c. 320,
amended.

(2) *The Hotel Fire Accidents Prevention Act* is amended by adding thereto the following sections:

11. The Lieutenant-Governor in Council may make Regulations.
regulations,—

- (a) regulating and prescribing the mode of construction and materials to be used in the construction, alteration or remodelling of any hotel;
- (b) requiring the erection or installation of fire-proof stairways, fire escapes, balconies, fire alarms, signs, doors, windows, exits, fire prevention and fire protection equipment in or outside of any hotel and prescribing the mode of construction thereof and the materials to be used therein; and
- (c) generally for providing for the prevention of fires in hotels and for the means of escape from hotels in the event of fire.

12. The Lieutenant-Governor in Council may authorize Inspector.
any person to perform the duties of inspector under this Act and the regulations and may designate and assign the duties to be performed by him.

21. Section 32 of *The Interpretation Act* is amended by Rev. Stat.,
adding thereto the following clause: c. 1, s. 32,
amended.

(zgg) "Rules Committee" shall mean Rules Committee "Rules
established under *The Judicature Act*. Committee."

Rev. Stat.,
c. 100.

22. Section 19 of *The Justices of the Peace Act* as amended Rev. Stat.,
by section 15 of *The Statute Law Amendment Act, 1939*, is c. 132, s. 19,
repealed and the following substituted therefor: amended.

19. In cases not provided for by the *Criminal Code* and Fees in cer-
The Summary Convictions Act, the Lieutenant- tain cases
Governor in Council may prescribe the fees to be not other-
paid by a county, or, in the case of a provisional wise pro-
judicial district by the Province to a justice of the vided for.
peace or magistrate not receiving a salary. Rev. Stat.,
c. 136.

23. Subsection 1 of section 142 of *The Land Titles Act* is Rev. Stat.,
amended by striking out the words "the judges of the Supreme c. 174,
Court" in the first and second lines and inserting in lieu s. 142,
thereof the words "subject to the approval of the Lieutenant- subs. 1,
Governor in Council, the Rules Committee", so that the said amended.
subsection exclusive of the clauses shall now read as follows:

- (1) The Lieutenant-Governor in Council, or subject to Power to
the approval of the Lieutenant-Governor in Council, make general
the Rules Committee, under the authority of section rules.

Rev. Stat.,
c. 100.

106 of *The Judicature Act*, which is to be read as applying to this Act, may make general rules in respect of,—

.

Rev. Stat.,
c. 269, s. 27,
subs. 1,
amended.

24. Subsection 1 of section 27 of *The Local Improvement Act* is amended by striking out "otherwies" in the tenth line and inserting in lieu thereof the word "otherwise".

Rev. Stat.,
c. 208, s. 7,
amended.

25. Section 7 of *The Matrimonial Causes Act* is amended by striking out the words "the judges" in the fourth line and inserting in lieu thereof the words "subject to the approval of the Lieutenant-Governor in Council, the Rules Committee", so that the said section shall now read as follows:

Rules made
confirmed
with right
to repeal,
amend, etc.

7. The rules passed by the Judges of the Supreme Court relating to the conduct of matrimonial causes are confirmed and declared to have the same force and effect as if they were embodied in this Act, but subject to the approval of the Lieutenant-Governor in Council, the Rules Committee may nevertheless from time to time pass rules for the repealing, amending or varying the same.

Rev. Stat.,
c. 110, s. 35,
subs. 1,
amended.

26. Subsection 1 of section 35 of *The Mental Incompetency Act* is amended by striking out the words "the Supreme Court" in the first line and inserting in lieu thereof the words "subject to the approval of the Lieutenant-Governor in Council, the Rules Committee", so that the said subsection shall now read as follows:

Rules.

- (1) Subject to the approval of the Lieutenant-Governor in Council, the Rules Committee may make rules for carrying this Act into effect and for regulating the costs in relation thereto, and except where inconsistent with the provisions of this Act or such rules, *The Judicature Act* and rules made thereunder shall apply to proceedings under this Act.

Rev. Stat.,
c. 100.

Rev. Stat.,
c. 266,
s. 197,
amended.

27. Section 197 of *The Municipal Act* is amended by striking out the words "the judges of the Supreme Court" in the first line and inserting in lieu thereof the words "subject to the approval of the Lieutenant-Governor in Council, the Rules Committee", so that the said section shall now read as follows:

Rules Com-
mittee to
make rules,
etc.

197. Subject to the approval of the Lieutenant-Governor in Council, the Rules Committee may make rules regulating the practice and procedure in relation to proceedings under this Part, including the costs

of and incidental to them, and as to matters not provided for in it, or by rules of court, the practice and procedure of the Supreme Court shall be applicable.

28. Section 14 of *The Municipal Arbitrations Act* is amended by striking out the words "the judges of the Supreme Court" in the first line and inserting in lieu thereof the words "subject to the approval of the Lieutenant-Governor in Council, the Rules Committee", and by striking out the words "they have" in the third line and inserting in lieu thereof the words "it has", so that the said section shall now read as follows:

Rev. Stat.,
c. 280, s. 14,
amended.

14. Subject to the approval of the Lieutenant-Governor in Council, the Rules Committee shall have the same power to make rules with respect to matters and proceedings under this Act and tariffs of fees as it has in respect to proceedings under *The Judicature Act*.

Power to
make rules
and tariff.

Rev. Stat.,
c. 100.

29.—(1) Section 117 of *The Municipal Drainage Act* is amended by striking out the words "the judges of the Supreme Court" in the first line and inserting in lieu thereof the words "subject to the approval of the Lieutenant-Governor in Council, the Rules Committee", and by striking out the words "they have" in the third line and inserting in lieu thereof the words "it has", so that the said section shall now read as follows:

Rev. Stat.,
c. 278,
s. 117,
amended.

117. Subject to the approval of the Lieutenant-Governor in Council, the Rules Committee shall have the same authority to make general rules with respect to proceedings before the referee and appeals from him as it has with respect to proceedings under *The Judicature Act*, and section 106 of that Act shall apply thereto.

Rules Com-
mittee may
make rules.

Rev. Stat.,
c. 100.

(2) Subsection 2 of section 118 of *The Municipal Drainage Act* is amended by striking out the words "such rules and tariffs, whether made by the judges or" in the first line and inserting in lieu thereof the words "the rules and tariffs framed by", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 278,
s. 118,
subs. 2,
amended.

(2) The rules and tariffs framed by the referee shall be published in the *Ontario Gazette* and shall thereupon have the force of law, and the same shall be laid before the Assembly at its next session after promulgation thereof.

Publication.

Rev. Stat.,
c. 207, s. 22,
subs. 3,
amended

30. Subsection 3 of section 22 of *The Marriage Act* is amended by inserting at the end thereof the words "provided that no fee shall be payable for such authorization where the applicant is a member of His Majesty's Active Service Forces," so that the said subsection shall now read as follows:

Special
action by
Provincial
Secretary
where pub-
lication has
not taken
place.

- (3) Upon the applicant for a license or certificate stating that no such advertisement, as required by subsection 2, has been published, the issuer may report the circumstances to the Provincial Secretary, who, if he is satisfied that the reason for having the marriage solemnized in the place mentioned in the affidavit is not in order to evade due publicity or for any other improper purpose, may in writing authorize the issue of the license or certificate, and in that case, a fee of \$5 shall be paid for such authorization in addition to the usual license fee; provided that no fee shall be payable for such authorization where the applicant is a member of His Majesty's Active Service Forces."

Rev. Stat.,
c. 30, s. 1,
cl. b,
amended.

31. Clause *b* of section 1 of *The Provincial Land Tax Act* is amended by striking out subclause ii and substituting therefore the following:

- (ii) land being held and used for mining purposes acquired under or pursuant to the provisions of any statute, regulation or law at any time in force authorizing the granting or leasing of Crown lands for such purposes;
- (iia) ores, mines, minerals or mining rights acquired in any land, and all buildings, improvements, substructures, superstructures, machinery and fixtures erected, made or installed in or on any land for mining purposes.

Rev. Stat.,
c. 390, s. 20,
amended.

32. Section 20 of *The Public Hospitals Act* is amended by adding thereto the following subsection:

Notice to
clerk of
local muni-
cipality.

- (3) Where the superintendent notifies the clerk of a county in accordance with the provisions of subsection 1 or subsection 2, he shall, at the same time and in the same manner, notify the clerk of the local municipality in which such indigent person is or is represented to be a resident.

Rev. Stat.,
c. 166, s. 8,
amended.

33. Section 8 of *The Public Trustee Act* is amended by adding thereto the following subsection:

- (3) Notwithstanding anything contained in this or any other Act, the Public Trustee may in connection with any estate or trust administered or managed by him make a reasonable charge for any service performed by a member of the staff of his office where the service is one for which a charge would be allowed as a disbursement against the estate or trust if performed by a person retained, engaged or employed to perform such service by a private trustee, and every such charge shall for the purpose of such estate or trust be deemed to be a disbursement.
- Services of staff may be charged for.

34.—(1) Subsection 6 of section 2 of *The Public Vehicle Act* is amended by striking out the word "shall" where it occurs the first time in the third line and inserting in lieu thereof the word "may", and by inserting after the word "and" in the third line the words "subject to the provisions of subsection 1 of section 21", so that the said subsection shall now read as follows:

Rev. Stat., c. 289, s. 2, subs. 6, amended.

- (6) The license and permit issued by the Department shall fix the number of passengers or tonnage of express freight which each public vehicle may carry, and subject to the provisions of subsection 1 of section 21, no vehicle shall at any time carry more passengers or more tonnage than is fixed by the said license.
- Number of passengers and tonnage of freight.

(2) *The Public Vehicle Act* is amended by adding thereto the following section:

Rev. Stat., c. 289, amended.

29. No prosecution shall be instituted under this Act without the consent of an officer of the Ontario Provincial Police Force, or of an officer of the Department designated by the Minister to assist in the enforcement of this Act.
- Prosecutions.

35.—(1) Subsection 1 of section 46 of *The Quieting Titles Act* is amended by striking out the words "the judges authorized under *The Judicature Act*" in the first and second lines and inserting in lieu thereof the words "subject to the approval of the Lieutenant-Governor in Council, the Rules Committee", so that the said subsection shall now read as follows:

Rev. Stat., c. 169, s. 46, subs. 1, amended.

- (1) Subject to the approval of the Lieutenant-Governor in Council, the Rules Committee may make rules for referring petitions under this Act to any referee of titles or other officer of the Court, or to any counsel or other person and may regulate the fees to be paid on such references.
- Rules Committee may make general rules for carrying out this Act.

Rev. Stat.,
c. 169, s. 46,
subs. 2,
amended.

(2) Subsection 2 of the said section 46 is amended by striking out the words "the judges" in the first line and inserting in lieu thereof the words "subject to the approval of the Lieutenant-Governor in Council, the Rules Committee", so that the said subsection shall now read as follows:

Rules for
practice and
procedure.

- (2) Subject to the approval of the Lieutenant-Governor in Council, the Rules Committee may also make rules for the purposes of and for regulating the practice or procedure under this Act notwithstanding that the practice or procedure prescribed by this Act may be thereby varied.

Rev. Stat.,
c. 326, s. 3,
subs. 1,
amended.

36. Subsection 1 of section 3 of *The Railway Fire Charge Act* is amended by striking out the word "May" in the fourth line and inserting in lieu thereof the word April", so that the said subsection shall now read as follows:

Liability of
tenant.

- (1) A tenant of railway lands shall be jointly and severally liable with the owner for the payment of the charge hereby imposed and the charge imposed by this Act shall become due and be payable on or before the 1st day of April in each year.

Rev. Stat.,
c. 124, s. 7,
amended.

37. Section 7 of *The Reciprocal Enforcement of Judgments Act* is amended by striking out the words "rules of court may be made" in the first line and inserting in lieu thereof the words "subject to the approval of the Lieutenant-Governor in Council, the Rules Committee may make rules of court", so that the said section shall now read as follows:

Power to
make rules
of court.

7. Subject to the approval of the Lieutenant-Governor in Council, the Rules Committee may make rules of court for regulating the practice and procedure, (including costs), in respect of proceedings of any kind under this Act.

Rev. Stat.,
c. 291, s. 12,
amended.

38.—(1) Section 12 of *The Snow Roads and Fences Act* is amended by adding thereto the following subsection:

Penalty.

- (3) Any person who hinders or interferes with the erection of snow fences under the provisions of this Act, or who takes down, removes or otherwise interferes with snow fences which have been erected hereunder shall incur a penalty of not less than \$1 nor more than \$50.

Rev. Stat.,
s. 291, s. 13,
amended.

(2) Section 13 of *The Snow Roads and Fences Act* is amended by striking out the words and figures "mentioned in sections 7 and 8" in the first line and inserting in lieu thereof the words "imposed by this Act", so that the said section shall now read as follows:

13. The penalties imposed by this Act shall be recoverable under *The Summary Convictions Act*. Recovery of penalties. Rev. Stat., c. 136.
- 39.** Section 3 of *The Soldiers' Aid Commission Act* is amended by adding thereto the following subsection: Rev. Stat., c. 315, s. 3, amended.
- (3) Notwithstanding anything in the said Order-in-Council dated the 10th day of November, 1915, the Commission shall have and may exercise the like powers and may grant the same assistance to persons who are serving or have served in the military, naval or air forces of Canada or the British Empire or any part or ally thereof in the present war as the Commission may grant to members of the Canadian Expeditionary Forces under the terms of the Order-in-Council of the 10th day of November, 1915. Powers of Commission extended.
- 40.** Section 44 of *The Solicitors Act* is amended by striking out the words "the judges of the Supreme Court" in the first line and inserting in lieu thereof the words "subject to the approval of the Lieutenant-Governor in Council, the Rules Committee", so that the said section shall now read as follows: Rev. Stat., c. 223, s. 44, amended.
44. Subject to the approval of the Lieutenant-Governor in Council, the Rules Committee may make general rules or regulations, other than rules relating to the admission and enrolment of solicitors, for carrying out the provisions of this Act. Rules Committee to make rules.
- 41.**—(1) Clause *c* of section 6 of *The Southern Algoma Railway Company Act, 1939*, is amended by striking out the words "District of Algoma" in the second line and inserting in lieu thereof the words "Districts of Algoma and Sudbury", so that the said clause shall now read as follows: 1939, c. 46, s. 6, cl. c, amended.
- (c) to construct, purchase, acquire and operate other railways within the Districts of Algoma and Sudbury in the Province of Ontario.
- (2) Section 8 of *The Southern Algoma Railway Company Act, 1939*, is amended by inserting after the word "(Ontario)" in the second line the words and figures "except section 141", so that the said section shall now read as follows: 1939, c. 46, s. 8, amended.
8. Save as otherwise provided by this Act, *The Railway Act* (Ontario), except section 141, shall apply to the said railway and the whole undertaking thereof. Application of provisions of Rev. Stat., c. 259.
- 42.**—(1) Subsection 1 of section 4 of *The Succession Duty Act, 1939*, is amended by adding thereto the following clause: 1939 (2nd Session), c. 1, s. 4, subs. 1, amended.

- (l) any property passing on the death of the deceased to any religious, charitable or educational organization for religious, charitable or educational purposes carried out in any Province of Canada other than Ontario which is shown to the satisfaction of the Treasurer to allow the same exemption on property, given, devised or bequeathed to any religious, charitable or educational organization for religious, charitable or educational purposes carried out in Ontario.

1939 (2nd Session),
c. 1, s. 4,
subs. 2,
amended.

- (2) Subsection 2 of the said section 4 is amended by striking out the word and letter "or d" in the fourth line and inserting in lieu thereof the letters and word "d or l" so that the said subsection shall now read as follows:

Meaning of
religious,
charitable,
educational.

- (2) For the purposes of subsection 1 the Treasurer may in his absolute discretion determine whether any purpose or organization is a religious, charitable or educational purpose or organization within the meaning of clause a, b, c, d or l of subsection 1.

Commence-
ment of
section.

- (3) This section shall come into force on the day upon which this Act receives the Royal Assent.

Rev. Stat.,
c. 106, s. 75,
subs. 1,
amended.

- 43.** Subsection 1 of section 75 of *The Surrogate Courts Act* is amended by striking out the words "notwithstanding the provisions of any other Act of this Legislature the Lieutenant-Governor in Council" in the first and second lines and inserting in lieu thereof the words "subject to the approval of the Lieutenant-Governor in Council the Rules Committee", so that the said subsection shall now read as follows:

Power of
Rules Com-
mittee as
to,—

- (1) Subject to the approval of the Lieutenant-Governor in Council the Rules Committee may,—

Rules of
practice;

- (a) make rules for regulating the practice and procedure in the surrogate courts;

Fees;

- (b) make rules and regulations regulating and fixing all fees payable to the Crown, the judge, the registrar, and other officers of the court, and fees and expenses payable to witnesses, in respect of proceedings in such courts;

Fees of
solicitors;

- (c) prescribe a tariff of fees to be allowed to solicitors and counsel practising in such courts;

Forms.

- (d) prescribe forms for use in such courts.

44.—(1) Section 1 of *The Statute Labour Act* is repealed and the following substituted therefor: Rev. Stat., c. 274, s. 1, re-enacted.

1. No person who is a member of the Naval, Military or Air Forces of Canada, or who is called out on active service or for annual training, or who is engaged in or called to the performance of naval, military or other duty in pursuance of orders in that behalf, shall be liable to perform statute labour or to commute therefor. Exemptions of persons in Naval, Military or Air Forces.

(2) Subsection 1 of section 16 of *The Statute Labour Act* is amended by striking out all the words after the word "conducted" in the second line, so that the said subsection shall now read as follows: Rev. Stat., c. 274, s. 16, subs. 1, amended.

- (1) The landholders present shall decide how the voting for commissioners shall be conducted. Mode of voting.

45. *The Theatres and Cinematographs Act* is amended by striking out the word "operators" in the twelfth line of section 2 and inserting in lieu thereof the word "projectionists", and by striking out the words "an operator" in the first line of section 21 and inserting in lieu thereof the words "a projectionist". Rev. Stat., c. 319, ss. 2 and 21, amended.

46.—(1) It is declared that the corporation of the city of Toronto has and has had since the 11th day of January, 1927, the right to sell, convey, lease or otherwise dispose of any real or personal property vested in the said corporation under *The Toronto Radial Railway Act, 1927*, free and clear from any lien or charge on account of bonds to the amount of \$2,375,000 mentioned in subsection 2 of section 9 of *The Toronto Radial Railway Act, 1921*, and any conveyance, lease or other assurance heretofore or hereafter made by the said corporation purporting to convey, lease or otherwise dispose of any such real or personal property to any person has had and shall have the effect of vesting in such person the interest so conveyed, leased or otherwise disposed of free and clear from any charge or lien on account of the said bonds. Power to convey Toronto Radial Railway lands. 1927, c. 58. 1921, c. 24.

(2) Subsection 3 of section 20 of *The Statute Law Amendment Act, 1929*, is repealed. 1929, c. 23, s. 20, subs. 3, repealed.

47. Clause *a* of subsection 1 of section 24 of *The Training Schools Act, 1939*, is repealed and the following substituted therefor: 1939, c. 51, s. 24, subs. 1, cl. a, re-enacted.

- (a) aids or abets any boy or girl to escape from or unlawfully leave a training school or foster home; Penalties.

- (aa) knowingly harbours or conceals a boy or girl who has escaped from or unlawfully left a training school or foster home without giving notice of the child's whereabouts to the training school or to the local police authorities.

Rev. Stat.,
c. 165, s. 6,
cl. c,
amended.

48. Clause *c* of section 6 of *The Trustee Act* is amended by striking out the words "this section" in the seventh line and inserting in lieu thereof the word and figure "section 3", so that the said clause shall now read as follows:

Where not
less than
two to be
appointed.

- (c) it shall not be obligatory to appoint more than one new trustee where only one trustee was originally appointed, or to fill up the original number of trustees where more than two trustees were originally appointed; but, except where only one trustee was originally appointed, a trustee shall not be discharged under section 3 from his trust unless there will be at least two trustees to perform the trust; and

.

Rev. Stat.,
c. 88,
amended.

49. *The Vital Statistics Act* is amended by adding thereto the following section:

Adopted
child.

- 27a.—(1) Where the name of a child whose birth has been registered in Ontario is changed by an order of adoption under the provisions of *The Adoption Act*, the Registrar-General, on receipt of a copy of such order, transmitted pursuant to section 12 of *The Adoption Act*, shall make on the registration of birth a notation "ADOPTED" with a reference to the adoption order, and shall endorse on the copy of the adoption order a reference to the registration of the birth.

Rev. Stat.,
c. 218.

Idem.

- (2) Where the name of a child whose birth has been registered in Ontario has been changed by an order, judgment or decree of adoption made by a court of competent jurisdiction in another Province or country, the Registrar-General, on receipt of a copy of such order, judgment or decree, certified by the proper officer under his seal of office, if any, may make the notation, reference and endorsement as in subsection 1 provided.

Rev. Stat.,
c. 7, s. 5,
subs. 17,
amended.

50. Subsection 17 of section 5 of *The Voters' Lists Act* as amended by section 29 of *The Statute Law Amendment Act, 1940*, is further amended by striking out the word "sixty-five" in the fourth line and inserting in lieu thereof the word

"seventy" so that the said subsection shall now read as follows:

- (17) The clerk in making out the voters' list shall in a separate column provided for the purpose, write or mark the letter "J" upon the voters' list opposite the name of every male person over twenty-one and under seventy years of age, who by the roll appears to possess the property qualification required to qualify him to serve as a juror, and such voters' list shall show at or near the end of the second part, the aggregate number of names of persons upon such lists qualified to serve on juries, and in the case of cities and towns such list shall give the same information for each ward.
- Entries of those qualified as jurors.

51.—(1) The corporations of the Village of Waterford and the Township of Townsend may enter into agreements for the acquisition, maintenance and management of the lands covered by water commonly known as the Waterford Pond and such works and other lands in connection therewith as may be necessary or incidental thereto, and may acquire, maintain and manage such works and lands accordingly.

Waterford Pond.

(2) The lands and works acquired under this section by the said corporations, or either of them, shall be the joint property of the said corporations.

Joint property.

(3) The said corporations may supply water from the said Pond to any person upon such terms and for such period of time as may be agreed.

Supplying water.

(4) The corporation of any municipality benefited by the maintenance of the said Pond under this section may contribute to the cost of such maintenance.

Contribution to maintenance.

52. Section 39 of *The Woodmen's Lien for Wages Act* is amended by striking out the words "the judges of the district courts, or a majority of them, may prepare and adopt" in the first and second lines and inserting in lieu thereof the words "subject to the approval of the Lieutenant-Governor in Council, the Rules Committee may prescribe", so that the said section shall now read as follows:

Rev. Stat., c. 201, s. 39 amended.

39. Subject to the approval of the Lieutenant-Governor in Council, the Rules Committee may prescribe forms of writs, summonses, attachments and other forms for the more convenient carrying out of the provisions of this Act, and thereafter the same shall be used instead of the forms prescribed by this Act.
- Form of proceedings.

Rev. Stat.,
c. 270, s. 7,
cl. c,
amended.

53.—(1) Clause *c* of section 7 of *The Planning and Development Act* is amended by adding thereto the following sub-clause:

(ii) the restrictions, if any, upon the land.

Rev. Stat.,
c. 270,
amended.

(2) *The Planning and Development Act* is amended by adding thereto the following sections:

Special
zone.

15.—(1) Notwithstanding the provisions of this or any general or special Act, the Lieutenant-Governor in Council may by order define and designate any area in a local municipality or municipalities or in unorganized territory as a special zone, but any such order shall come into force only upon publication in the *Ontario Gazette*.

Approval
prior to
registration
of plan.

(2) No plan of survey and subdivision of land within a special zone shall be registered unless it has been approved by the council of the municipality in which such land is situate and the council of any city within the special zone and the Board, and section 7 shall apply to any such approval.

Approval
of Board
in all cases.

16. Notwithstanding the provisions of this or any general or special Act, no plan of survey and subdivision or any alteration thereof shall be registered without the approval of the Board.

54. Notwithstanding any general or special Act,—

Fixed
assess-
ment,—
terminal
storage
facilities.

(a) by-laws may be passed by the councils of local municipalities for fixing, on such terms and conditions as the council may deem proper, the assessment of all terminal storage facilities constructed to meet the urgent necessity during the present war emergency for additional temporary terminal storage facilities for wheat.

Limitation.

(b) the fixed assessment shall not be for a longer period than the duration of the present war and one year thereafter, but in no event shall such period exceed five years; and

Perequisites.

(c) the by-law shall not be passed except with the affirmative vote of three-quarters of all the members of the council and the approval of the Ontario Municipal Board.

Short title.

55. This Act may be cited as *The Statute Law Amendment Act, 1941*.



The Statute Law Amendment Act, 1941.

1st Reading

April 3rd, 1941

2nd Reading

April 4th, 1941

3rd Reading

April 9th, 1941

MR. CONANT

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Department of Municipal Affairs Act.

MR. MCQUESTEN

BILL

An Act to amend The Department of Municipal Affairs Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 59,
amended.

1. *The Department of Municipal Affairs Act* is amended by adding thereto the following section:

Regula-
tions.

7a. The Lieutenant-Governor in Council may make regulations,—

(a) governing the exercise by the Department of the powers conferred on the Department by clause *j* of section 8; and

(b) prescribing the fees payable for licenses under clause *j* of section 8.

Rev. Stat.,
c. 59, s. 8,
amended.

2. Section 8 of *The Department of Municipal Affairs Act* is amended by adding thereto the following clause:

Licensing
municipal
auditors.

(j) grant upon payment of the prescribed fee a license to every person whom the Department deems qualified to perform the duties of a municipal auditor, and to refuse, suspend or revoke any such license.

Rev. Stat.,
c. 59, s. 40,
subs. 1,
amended.

3. Subsection 1 of section 40 of *The Department of Municipal Affairs Act* is amended by striking out the word "and" in the sixth line and inserting in lieu thereof the word "or".

Rev. Stat.,
c. 59, s. 43,
subs. 3,
amended.

5. Subsection 3 of section 43 of *The Department of Municipal Affairs Act* is amended by striking out all the words after the word "shall" in the eleventh line and inserting in lieu thereof the words "vest in and become the property of the municipality, its successors and assigns, in fee simple, clear of and free from all other estate, right, title or interest, subject only to the right of redemption hereinafter provided and subsections 5, 7 and 8", so that the said subsection shall now read as follows:

EXPLANATORY NOTES

SECTIONS 1 and 2. Self-explanatory. These sections are complementary to the amendment of *The Municipal Act* requiring municipal auditors to be persons who are licensed by the Department of Municipal Affairs.

SECTION 3. This amendment enables the Department in supervising defaulting municipalities to approve a satisfactory rating by-law without having to direct the council to pass it.

SECTION 4. This amendment is designed to ensure as good a root of title as is obtained by a purchaser at a tax sale.

Registration
of tax
arrears
certificate.

- (3) The Treasurer, with respect to vacant land upon which any part of the taxes remains unpaid after the time mentioned in subsection 1 and with respect to improved land upon which any part of the taxes remains unpaid after the time mentioned in subsection 2, may register in the registry office a certificate to be known as a tax arrears certificate (Form 1), setting forth therein a description of such vacant land or improved land, as the case may be, and the amount of such unpaid taxes, with the amount of all penalties, interest and costs added thereto, and thereupon the land described in the certificate shall vest in and become the property of the municipality, its successors and assigns, in fee simple, clear of and free from all other estate, right, title or interest, subject only to the right to redemption hereinafter provided and subsections 5, 7 and 8.

Rev. Stat.,
c. 59, s. 44,
subs. 2, re-
enacted.

5. Subsection 2 of section 44 of *The Department of Municipal Affairs Act* is repealed and the following substituted therefor:

Registra-
tion of
redemption
certificate.

- (2) Where land is redeemed under this section, the treasurer shall forthwith register in the registry office a certificate to be known as a redemption certificate (Form 3), setting forth therein a description of the land redeemed, and a redemption certificate shall, when registered, be a valid and effectual cancellation of the tax arrears certificate registered with respect to such land and, subject to subsection 3, such land shall thereupon vest in and become the property of the persons who would be entitled thereto if the tax arrears certificate had not been registered, according to their respective rights and interests.

Rev. Stat.,
c. 59, s. 47,
subs. 1,
repealed.

6. Subsection 1 of section 47 of *The Department of Municipal Affairs Act* is repealed.

Commence-
ment of Act.

7. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

8. This Act may be cited as *The Department of Municipal Affairs Amendment Act, 1941*.

SECTION 5. All interests in the land at the time of the registration of the tax arrears certificate are restored upon the registration of the redemption certificate. The language of the subsection is improved.

SECTION 6. Subsection 1 of section 47 is repealed as its subject matter is covered in sections 31 and 39 of the Act.

An Act to amend The Department of
Municipal Affairs Act.

1st Reading

April 3rd, 1941

2nd Reading

3rd Reading

MR. McQUESTEN

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Department of Municipal Affairs Act.

MR. MCQUESTEN

No. 91

1941

BILL

An Act to amend The Department of Municipal Affairs Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 59,
amended.

1. *The Department of Municipal Affairs Act* is amended by adding thereto the following section:

Regula-
tions.

7a. The Lieutenant-Governor in Council may make regulations,—

(a) governing the exercise by the Department of the powers conferred on the Department by clause *j* of section 8; and

(b) prescribing the fees payable for licenses under clause *j* of section 8.

Rev. Stat.,
c. 59, s. 8,
amended.

2. Section 8 of *The Department of Municipal Affairs Act* is amended by adding thereto the following clause:

Licensing
municipal
auditors.

(j) grant upon payment of the prescribed fee a license to every person whom the Department deems qualified to perform the duties of a municipal auditor, and to refuse, suspend or revoke any such license.

Rev. Stat.,
c. 59, s. 40,
subs. 1,
amended.

3. Subsection 1 of section 40 of *The Department of Municipal Affairs Act* is amended by striking out the word "and" in the sixth line and inserting in lieu thereof the word "or".

Rev. Stat.,
c. 59, s. 43,
subs. 3,
amended.

4. Subsection 3 of section 43 of *The Department of Municipal Affairs Act* is amended by striking out all the words after the word "shall" in the eleventh line and inserting in lieu thereof the words "vest in and become the property of the municipality, its successors and assigns, in fee simple, clear of and free from all other estate, right, title or interest, subject only to the right of redemption hereinafter provided and subsections 5, 7 and 8", so that the said subsection shall now read as follows:

- (3) The Treasurer, with respect to vacant land upon which any part of the taxes remains unpaid after the time mentioned in subsection 1 and with respect to improved land upon which any part of the taxes remains unpaid after the time mentioned in subsection 2, may register in the registry office a certificate to be known as a tax arrears certificate (Form 1), setting forth therein a description of such vacant land or improved land, as the case may be, and the amount of such unpaid taxes, with the amount of all penalties, interest and costs added thereto, and thereupon the land described in the certificate shall vest in and become the property of the municipality, its successors and assigns, in fee simple, clear of and free from all other estate, right, title or interest, subject only to the right to redemption hereinafter provided and subsections 5, 7 and 8. Registration of tax arrears certificate.
5. Subsection 2 of section 44 of *The Department of Municipal Affairs Act* is repealed and the following substituted therefor: Rev. Stat., c. 59, s. 44, subs. 2, re-enacted.
- (2) Where land is redeemed under this section, the treasurer shall forthwith register in the registry office a certificate to be known as a redemption certificate (Form 3), setting forth therein a description of the land redeemed, and a redemption certificate shall, when registered, be a valid and effectual cancellation of the tax arrears certificate registered with respect to such land and, subject to subsection 3, such land shall thereupon vest in and become the property of the persons who would be entitled thereto if the tax arrears certificate had not been registered, according to their respective rights and interests. Registration of redemption certificate.
6. Subsection 1 of section 47 of *The Department of Municipal Affairs Act* is repealed. Rev. Stat., c. 59, s. 47, subs. 1, repealed.
7. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.
8. This Act may be cited as *The Department of Municipal Affairs Amendment Act, 1941*. Short title.

An Act to amend The Department of
Municipal Affairs Act.

1st Reading

April 3rd, 1941

2nd Reading

April 7th, 1941

3rd Reading

April 9th, 1941

MR. McQUESTEN

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1940

BILL

The Municipal Amendment Act, 1941.

MR. MCQUESTEN

BILL

The Municipal Amendment Act, 1941.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 266, s. 53,
subs. 1, cl. o,
sub-cl. i,
amended. 1. Subclause i of clause o of subsection 1 of section 53 of *The Municipal Act* is amended by striking out the words "in cities, towns and villages" in the first and second lines, so that the said subclause shall now read as follows:

(i) "contract" in this clause includes a contract with public and high school boards and boards of education.

Rev. Stat.,
c. 266, s. 55,
repealed. 2. Section 55 of *The Municipal Act* is repealed.

Rev. Stat.,
c. 266, s. 56,
subs. 7,
amended. 3. Subsection 7 of section 56 of *The Municipal Act* is amended by striking out the word "entitled" in the eighth line and inserting in lieu thereof the word "entitle", so that the said subsection shall now read as follows:

Certificate
for voters
if name
omitted.

(7) Where after the voters' list has been finally revised, the clerk is satisfied that the name of a person entitled to be entered thereon under this section has by error been omitted therefrom he may, if such person is entered on the last revised assessment roll and is not otherwise disqualified, issue a certificate (Form 10), authorizing the returning officer or proper deputy returning officer to enter the name of such person on the voters' list to entitle him to vote as if his name had been entered thereon before the list was revised.

Rev. Stat.,
c. 266, s. 113,
amended. 4. Section 113 of *The Municipal Act*, as amended by subsection 2 of section 5 of *The Municipal Amendment Act, 1940*, is amended by adding thereto the following subsection:

Where mem-
bers of
army, navy
or air forces
may vote
at advance
poll.

(19) Notwithstanding the provisions of this section, any person who is a member of the naval, military or air forces of Canada and who is entitled to vote at

EXPLANATORY NOTES

SECTION 1. At present persons having a contract with a school board or board of education are disqualified from holding municipal office in cities, towns or villages. This amendment extends the present law to all municipalities.

SECTION 2. Section 53 of *The Municipal Act* sets out the classes of persons who are not eligible to be elected to a municipal council, and section 55 sets out the classes of persons who are exempt from being elected to municipal office. The difference between a disqualification and an exemption is that a person disqualified cannot hold office but a person exempt from office though qualified need not. The one is an incapacity or disability, the other a privilege. At one time qualified persons duly elected, refusing to accept office, could, unless exempt, be summarily convicted and punished. The section is obsolete and is repealed.

SECTION 3. Correction of typographical error.

SECTION 4. This provision, which is new, will enable members of the naval, military or air forces of Canada to vote at advance polls at municipal elections in the same circumstances and in the same manner as railwaymen, travelling salesmen and bus and transport drivers.

municipal elections in a municipality to which this section applies and who has reason to believe that he will be absent from the municipality on the day fixed for holding the poll shall be entitled to vote at the poll under this section upon making the following declaration which shall be kept by the deputy returning officer with the other records of the poll:

I, _____
 _____ (name) _____ (address in the municipality) _____ (addition)
 declare that I am a member of the naval, military or air forces
 of Canada, that I am entitled to vote at this municipal election
 and that I expect in the course of my duty to be absent from
 this municipality on the day fixed for holding the poll, namely,
 the _____ day of _____, 19____.
 Dated at _____, this _____ day of _____, 19____.
 Witness _____
 _____ D.R.O. _____ Name of voter.

Rev. Stat.,
c. 266,
amended.

5. *The Municipal Act* is amended by adding thereto the following section:

License.

250a. The council shall appoint as auditor a person who is licensed by the Department as a municipal auditor.

Rev. Stat.,
c. 266,
amended.

6. *The Municipal Act* is amended by adding thereto the following section:

Information as to gratuities, retiring allowances, pension plans, superannuation fund, etc., to be given Department.

265a. The treasurer of every municipality shall before the 30th day of June, 1941, transmit to the Department a statement containing such information as the Department may require in respect of,—

- (a) every gratuity paid or to be paid in the year 1941 under section 264;
- (b) every retiring allowance paid or to be paid in the year 1941 under section 265;
- (c) every grant made or to be made in the year 1941 under paragraph 11 of section 414 in aid of the establishment or maintenance of a superannuation or benefit fund;
- (d) every pension plan entered into under paragraph 41a of section 404 as enacted by subsection 2 of section 23 of *The Municipal Amendment Act, 1939*; and
- (e) every gratuity and retiring allowance paid or to be paid in the year 1941 under the authority of any special Act or otherwise and every pen-

SECTION 5. This new provision will require municipal auditors to be persons who are licensed as municipal auditors by the Department of Municipal Affairs. *The Department of Municipal Affairs Act* will be amended accordingly.

SECTION 6. This section, which is new, will enable the Department of Municipal Affairs to obtain the information specified in the section in order that the future policy in respect of such matters may be formulated.

sion plan entered into thereunder, and every superannuation or benefit fund established and maintained thereunder.

Rev. Stat.,
c. 266, s. 280,
subs. 6,
amended.

7. Subsection 6 of section 280 of *The Municipal Act* is amended by inserting after the word "by-law" in the tenth line the words "or a question as to securing a supply of electrical power or energy from The Hydro-Electric Power Commission of Ontario", so that the said subsection shall now read as follows:

Publication
of by-law.

- (6) A copy of the proposed by-law, or a statement of the question submitted, as the case may be, shall be published once a week for three successive weeks, together with a notice signed by the clerk stating that the copy is a true copy of a proposed by-law, or a correct statement of the question submitted, as the case may be, and in the case of a by-law that, if the assent of the electors is obtained to it, it will be taken into consideration by the council after the expiration of one month from the date of the first publication, which date shall also be stated, and in the case of a money by-law, or a question as to securing a supply of electrical power or energy from The Hydro-Electric Power Commission of Ontario, stating that a tenant who desires to vote must deliver to the clerk not later than the tenth day before the day appointed for taking the vote the declaration provided for by subsection 3 of section 283.

Rev. Stat.,
c. 266, s. 330,
re-enacted.

8. Section 330 of *The Municipal Act* is repealed and the following substituted therefor:

Disposition
of "The
Ontario
Municipal-
ities Fund"
moneys.

330. Where a corporation has surplus money derived from "The Ontario Municipalities Fund" or from any other source, which is set apart for educational purposes and invested, as well as any other money held by the corporation for or appropriated by it to such purposes, in the form of securities or loans or applied as authorized by this Act, the council may, with the approval of the Municipal Board, dispose of such investments and apply the proceeds thereof directly or by means of a scheme of amortization in aid of schools in the municipality.

Rev. Stat.,
c. 266, s. 404,
para. 16,
re-enacted.

9.—(1) Paragraph 16 of section 404 of *The Municipal Act* is repealed and the following substituted therefor:

Inter-
municipal
fire pro-
tection.

16. For entering into an agreement with any other municipal corporation for the use of the fire brigade of the corporation or of such other municipal cor-

SECTION 7. Clause *a* of paragraph 11 of section 404 of *The Municipal Act* provides that a question as to securing a supply of electrical power from The Hydro-Electric Power Commission shall be submitted to the electors qualified to vote on money by-laws.

The amendment provides that the notice of such question shall state that a tenant who desires to vote must deliver to the municipal clerk a declaration of qualification. This makes the notice similar to that in the case of a money by-law.

SECTION 8. The purpose of the amendment is to require moneys derived by municipalities from "The Ontario Municipalities Fund" or from any other source and set apart and invested for educational purposes, to be used directly or by amortization in aid of schools in the municipality.

SECTION 9—Subsection 1. At present inter-municipal fire protection agreements may be made between municipalities in the same county. This amendment removes the county restriction and protects the municipality which supplies fire protection services to another municipality from liability for failure to do so.

poration upon such terms and conditions and for such remuneration as may be agreed upon.

- (a) Notwithstanding any agreement heretofore or hereafter entered into, failure to supply the use of the fire brigade outside the municipality shall not create any liability upon the municipal corporation so failing.

Rev. Stat.,
c. 266, s. 404,
par. 41a,
cl. b,
(1939, c. 30,
s. 23,
subs. 2),
amended.

(2) Clause *b* of paragraph 41a of the said section 404 as enacted by subsection 2 of section 23 of *The Municipal Amendment Act, 1939*, is amended by adding at the end thereof the words "nor shall any by-law passed under this paragraph and approved by the Department be repealed without the approval of the Department", so that the said clause shall now read as follows:

Approval by
Department.

(b) No by-law passed under this paragraph shall become operative until approved by the Department, nor shall any by-law passed under this paragraph and approved by the Department be repealed without the approval of the Department.

Rev. Stat.,
c. 266,
s. 404a,
(1939,
2nd Sess.,
c. 6, s. 6,
1940, c. 18,
s. 12),
amended.

10.—(1) Section 404a of *The Municipal Act* as enacted by section 6 of *The Municipal Amendment Act, 1939 (No. 2)*, and as amended by *The Municipal Amendment Act, 1940*, is further amended by striking out the words "The Organization of Resources Committee or of such sub-committee thereof as may be designated by the Committee and" in the second, third and fourth lines, so that the said section, exclusive of clauses *a* and *b*, shall now read as follows:

Grants for
patriotic
purposes.

404a. Subject to the approval of the Department and to subsection 3 of section 275, by-laws may be passed,—

.

Rev. Stat.,
c. 266,
s. 404a,
cl. a,
subcl. iii
(1939,
2nd Sess.,
c. 6, s. 6),
amended.

(2) Subclause iii of clause *a* of section 404a of *The Municipal Act* as enacted by section 6 of *The Municipal Amendment Act, 1939 (No. 2)*, is amended by striking out the word "and" in the second line.

Rev. Stat.,
c. 266,
s. 404a,
cl. a
(1939,
2nd Sess.,
c. 6, s. 6),
amended.

(3) Clause *a* of the said section 404a is further amended by adding thereto the following subclauses:

War savings
committees.

(iv) for aiding the establishment or maintenance of local war savings committees;

Civilian
defence
committees.

(v) for aiding the establishment or maintenance of local civilian defence committees; and

Subsection 2. At present the by-law establishing a pension plan for municipal employees does not become operative until approved by the Department of Municipal Affairs. The amendment adds the provision that no such by-law shall be repealed without the approval of the Department.

SECTION 10—Subsection 1. This Amendment deletes the reference to The Organization of Resources Committee. It is complementary to the repeal of *The Organization of Resources Act, 1939*.

Supervision of patriotic grants by municipalities will be done by the Department of Municipal Affairs.

Subsections 2 and 3. Self-explanatory.

Rev. Stat.,
c. 266, s. 405,
para. 1,
cl. b, re-
enacted.

11.—(1) Clause *b* of paragraph 1 of section 405 of *The Municipal Act* is repealed and the following substituted therefor:

- (b) A by-law shall not be passed except with the affirmative vote of three-quarters of all the members of the council, the approval of the Municipal Board and the assent of two-thirds of the electors qualified to vote on money by-laws who vote on the by-law; provided that the by-law shall not be submitted to such electors until such approval has been given.

Rev. Stat.,
c. 266, s. 405,
para. 33,
amended.

(2) Paragraph 33 of the said section 405 is amended by inserting after the word "prescribing" in the first line the words "for the whole or any part of the municipality", so that the said paragraph shall now read as follows:

Prescribing
times for
setting fires
and pre-
cautions.

33. For prescribing for the whole or any part of the municipality the times during which fires may be set in the open air, and the precautions to be observed by persons setting out fires.

Rev. Stat.,
c. 266, s. 406,
re-enacted.

12.—(1) Section 406 of *The Municipal Act* is repealed and the following substituted therefor:

406.—(1) By laws may be passed by the councils of local municipalities:

Restricted Areas.

Restricting
use of land.

1. For prohibiting the use of land, for or except for such purposes as may be set out in the by-law, within any defined area or areas or abutting on any defined highway or part of a highway.

Restricting
erection or
use of
buildings.

2. For prohibiting the erection or use of buildings, for or except for such purposes as may be set out in the by-law, within any defined area or areas or upon land abutting on any defined highway or part of a highway.

Regulating
construction
of buildings.

3. For regulating the cost or type of construction and the height, bulk, location, spacing, character and use of all buildings to be erected or altered within any defined area or areas or upon land abutting on any defined highway or part of a highway, and the minimum frontage of the parcel of land and the proportion of the area thereof which any such building may occupy, and any such by-law may regulate all or any of such matters.

SECTION 11.—Subsection 1. At present a by-law fixing the assessment of a business cannot be passed without the approval of three-fourths of the council and two-thirds of the electors qualified to vote on money by-laws who vote on the by-law. Under the amendment the approval of the Municipal Board is also required.

Subsection 2. Self-explanatory.

SECTION 12—Subsection 1. This section of the Bill re-enacts the numerous provisions of *The Municipal Act* which deal with by-laws for restricting the use of land and buildings and for controlling the construction of buildings, and requires the approval of the Ontario Municipal Board to be given to such by-laws.

Acquiring
land.

4. For acquiring vacant land having a frontage less than the minimum frontage prescribed for such area, for the purpose of including such land in such area, and for disposing of such land.

Excepted
lands and
buildings.

- (2) No by-law passed under this section shall apply to any land or building which, on the day of the passing of the by-law, is used or erected for any purpose prohibited by the by-law, so long as it continues to be used for that purpose, nor shall the by-law apply to any building the plans for which have prior to the day of the passing of the by-law been approved by the municipal architect or building inspector, so long as the building when erected is used for the purpose for which it was erected.

Approval by
Municipal
Board.

- (3) No part of any by-law passed under this section shall come into force without the approval of the Municipal Board.

Repeal or
amendment.

- (4) No part of any by-law passed under this section and approved by the Municipal Board shall be repealed or amended without the approval of the Municipal Board.

Notice of
application.

- (5) The council shall, in such manner and to such persons as the Municipal Board may direct, give notice of the intention of the council to apply to the Municipal Board for approval of any by-law passed under this section.

Amendment
of by-law
pending
approval.

- (6) Where, after an adjournment of the hearing of an application for approval of any by-law passed under this section and prior to the final hearing of the application, the by-law is amended, the Municipal Board may direct that notice of the application for approval of the amended by-law be given in such manner and to such persons as the Municipal Board may direct or may dispense with such notice, and may approve the amended by-law.

Extent of
approval.

- (7) The Municipal Board may approve any such by-law in whole or in part and as to the whole or any part of any land, area or highway therein defined, and the Municipal Board may have regard to the restrictions on any land adjacent to such land, area or highway.

When
approval
effective.

- (8) Such approval shall not become effective until the issue by the Municipal Board of its formal order thereof.

Present
by-laws.

(2) Any by-law heretofore passed for any of the purposes of paragraph 9 of section 414, paragraphs 2 to 10 of section 420, section 421, paragraphs 1 and 2 of section 423 or paragraph 6 of section 423 of *The Municipal Act* and in force on the day upon which this Act comes into force may with the approval of the Municipal Board be repealed or amended in accordance with section 406 of *The Municipal Act* as re-enacted by this Act.

Idem.

(3) Every by-law passed for any of the purposes of any provision repealed by this Act shall be deemed to be consistent with the provisions of section 406 of *The Municipal Act* as re-enacted by this Act and shall remain in full force and effect until amended or repealed.

Rev. Stat.,
c. 266, s. 414,
para. 9,
repealed.

13. Paragraph 9 of section 414 of *The Municipal Act* is repealed.

Rev. Stat.,
c. 266, s. 420,
paras. 2-10,
repealed.

14.—(1) Paragraphs 2 to 10 of section 420 of *The Municipal Act* are repealed.

Rev. Stat.,
c. 266, s. 420,
par. 11,
amended.

(2) Paragraph 11 of the said section 420 is amended by inserting after the word "city" in the fourth line the words "limiting the weight or size of loads that may be carried thereon," so that the said paragraph, exclusive of clause *a*, shall now read as follows:

Licensing
users of
wheeled
vehicles.

Rev. Stat.,
c. 288.

11. Requiring all residents in the municipality owning and using any wheeled vehicle other than a motor vehicle as defined in *The Highway Traffic Act* to obtain a license therefor before using the same upon any highway of the city; limiting the weight or size of loads that may be carried thereon; regulating the issuing of such licenses and the collection of fees therefor; fixing an annual fee not exceeding \$1 for such licenses, which shall be approved of by the Municipal Board; fixing a scale of fees for different vehicles; imposing penalties not exceeding \$5 exclusive of costs upon all persons who contravene any such by-law; and providing that such penalties may be recoverable in the manner provided by this Act.

Rev. Stat.,
c. 266, s. 420,
para. 14,
cl. *a*, re-
enacted.

(3) Clause *a* of paragraph 14 of the said section 420 is repealed and the following substituted therefor:

(*a*) For the purpose of this paragraph, a public garage shall include a parking station or a parking lot or a building or place where motor vehicles are hired or kept or used for hire or where such vehicles or gasoline or oils are stored or kept for sale, and a building or place used as a motor vehicle repair shop.

SECTION 13. This provision for setting apart a residential street and fixing a building line thereon is repealed. The same power is given by the new section 406 as re-enacted by section 12 of this Bill.

SECTION 14—Subsection 1. These provisions for regulating, controlling and prohibiting the use of land or buildings for certain specified business purposes are repealed. The same powers are given by the new section 406 as re-enacted by section 12 of this Bill.

Subsection 2. This amendment will enable councils of cities to pass by-laws regulating the size and weight of loads to be carried on bicycles.

Subsection 3. This amendment extends the licensing power to include "open air" motor vehicle repair shops.

Rev. Stat.,
c. 266, s. 421,
repealed.

15. Section 421 of *The Municipal Act* is repealed.

Rev. Stat.,
c. 266, s. 423,
paras. 1
and 2 re-
pealed.

16.—(1) Paragraphs 1 and 2 of section 423 of *The Municipal Act* are repealed.

Rev. Stat.,
c. 266, s. 423,
para. 4,
amended.

(2) Paragraph 4 of the said section 423 is amended by striking out the word “township” in the last line and inserting in lieu thereof the word “municipality”, so that the said paragraph shall now read as follows:

Licensing,
regulating,
etc.,
teamsters,
carters,
draymen,
etc.

4. For licensing, regulating and governing teamsters, carters, draymen, drivers and owners of cabs, busses, motor and other vehicles for hire and for establishing the rates or fares to be charged by the owners or drivers of such vehicles for the conveyance of goods or passengers within the municipality.

Rev. Stat.,
c. 266, s. 423,
para. 6,
repealed.

(3) Paragraph 6 of the said section 423 is repealed.

Rev. Stat.,
c. 266, s. 433,
para. 1, cl. d,
amended.

17. Clause *d* of paragraph 1 of section 433 of *The Municipal Act* is amended by striking out the word “and” where it appears the second time in the last line and by inserting after the figure “6” in the last line the word and figure “and 7”, so that the said clause shall now read as follows:

Certain
powers
not affected.

(d) Nothing in this paragraph shall affect the powers to pass by-laws, under sections 408 and 409, paragraph 1 of section 438, and paragraphs 5, 6 and 7 of section 439.

Rev. Stat.,
c. 266, s. 440,
par. 4, cl. a,
amended.

18. Clause *a* of paragraph 4 of section 440 of *The Municipal Act* is amended by striking out the symbol and figure “\$1” in the first line and inserting in lieu thereof the symbol and figures “\$25”, so that the said clause shall now read as follows:

(a) The fee to be paid for a license shall not exceed \$25 per year.

Rev. Stat.,
c. 266, s. 545,
subs. 1,
amended.

19.—(1) Subsection 1 of section 545 of *The Municipal Act* is amended by striking out the words “a constable” in the first line and inserting in lieu thereof the words “one or more constables”, so that the said subsection shall now read as follows:

Appoint
ment of
constables.

(1) The trustees may appoint one or more constables for the village who shall have the same powers and perform the same duties within the village as a constable appointed by the council of a village.

Rev. Stat.,
c. 266, s. 545,
subs. 2,
amended.

(2) Subsection 2 of the said section 545 is amended by striking out the article “The” in the first line and inserting in lieu thereof the word “Every”, so that the said subsection shall now read as follows:

SECTION 15. These provisions for restricting the use of land and buildings for apartment houses, garages, incinerators and lumber yards are repealed. The same powers are given by the new section 406 as re-enacted by section 12 of this Bill.

SECTION 16—Subsection 1. Paragraphs 1 and 2 of section 423 of *The Municipal Act* which deal with building lines and passage-ways between residences are repealed as these matters are covered in the new section 406 as re-enacted by section 12 of this Bill.

Subsection 2. "Municipality" is substituted for "township" as the paragraph applies to towns and villages as well as to townships.

Subsection 3. This provision enabling townships to regulate the construction of buildings in restricted zones is repealed. The same power is given by the new section 406 as re-enacted by section 12 of this Bill.

SECTION 17. Paragraph 1 of section 433 of *The Municipal Act* deals with the licensing, etc., of hawkers and pedlars and clause *d* thereof provides that it shall not affect certain other licensing provisions including paragraphs 5 and 6 of section 439 which deal with the licensing, etc., of transient traders. Paragraph 7 of section 439 deals with transient traders also. This amendment provides that paragraph 1 of section 433 shall not affect paragraph 7 of section 439.

SECTION 18. This amendment increases the maximum license fee of old gold dealers from \$1 to \$25, which is the maximum license fee in the case of dealers in second hand goods.

SECTION 19. The purpose of this section of the Bill is to enable the trustees of police villages to engage and equip one or more constables. At present one only may be engaged, which is inadequate in certain police villages.

Salary.

- (2) Every constable may be paid by salary or may keep for his own use the fees of his office as the trustees may determine.

Rev. Stat.,
c. 266, s. 545,
subs. 3,
amended.

- (3) Subsection 3 of the said section 545 is amended by striking out the article "the" where it occurs the first time in the first line and inserting in lieu thereof the article "a", so that the said subsection shall now read as follows:

When fees
of constable
to belong
to village.

- (3) Where a constable is paid by salary the trustees may require that the fees of his office be paid to the treasurer of the township in which the village is situate or where the village comprises parts of two or more townships to the treasurer of any or either of them for the use of the village.

Rev. Stat.,
c. 266, s. 545,
amended.

- (4) The said section 545 is further amended by adding thereto the following subsection:

Equipment.

- (4) The trustees may provide and pay for offices, arms, accoutrements, clothing and other things for the accommodation, use and maintenance of the constable or constables.

Commence-
ment of Act.

- 20.** This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

The Municipal Amendment Act, 1941.

1st Reading

April 3rd, 1941

2nd Reading

3rd Reading

MR. MCQUESTEN

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1940

BILL

The Municipal Amendment Act, 1941.

MR. MCQUESTEN

BILL

The Municipal Amendment Act, 1941.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 266, s. 53,
subs. 1, cl. o,
sub-cl. i,
amended.

1. Subclause i of clause o of subsection 1 of section 53 of *The Municipal Act* is amended by striking out the words "in cities, towns and villages" in the first and second lines, so that the said subclause shall now read as follows:

(i) "contract" in this clause includes a contract with public and high school boards and boards of education.

Rev. Stat.,
c. 266, s. 55,
repealed.

2. Section 55 of *The Municipal Act* is repealed.

Rev. Stat.,
c. 266, s. 56,
subs. 7,
amended.

3. Subsection 7 of section 56 of *The Municipal Act* is amended by striking out the word "entitled" in the eighth line and inserting in lieu thereof the word "entitle", so that the said subsection shall now read as follows:

Certificate
for voters
if name
omitted.

(7) Where after the voters' list has been finally revised, the clerk is satisfied that the name of a person entitled to be entered thereon under this section has by error been omitted therefrom he may, if such person is entered on the last revised assessment roll and is not otherwise disqualified, issue a certificate (Form 10), authorizing the returning officer or proper deputy returning officer to enter the name of such person on the voters' list to entitle him to vote as if his name had been entered thereon before the list was revised.

Rev. Stat.,
c. 266, s. 113,
amended.

4. Section 113 of *The Municipal Act*, as amended by subsection 2 of section 5 of *The Municipal Amendment Act, 1940*, is amended by adding thereto the following subsection:

Where mem-
bers of
army, navy
or air forces
may vote
at advance
poll.

(19) Notwithstanding the provisions of this section, any person who is a member of the naval, military or air forces of Canada and who is entitled to vote at

5. *The Municipal Act* is amended by adding thereto the following section:

6. *The Municipal Act* is amended by adding thereto the following section:

(e) every gratuity and retiring allowance paid or to be paid in the year 1941 under the authority of any special Act or otherwise and every pen-

sion plan entered into thereunder, and every superannuation or benefit fund established and maintained thereunder.

Rev. Stat.,
c. 266, s. 280,
subs. 6,
amended.

7. Subsection 6 of section 280 of *The Municipal Act* is amended by inserting after the word "by-law" in the tenth line the words "or a question as to securing a supply of electrical power or energy from The Hydro-Electric Power Commission of Ontario", so that the said subsection shall now read as follows:

Publication
of by-law.

- (6) A copy of the proposed by-law, or a statement of the question submitted, as the case may be, shall be published once a week for three successive weeks, together with a notice signed by the clerk stating that the copy is a true copy of a proposed by-law, or a correct statement of the question submitted, as the case may be, and in the case of a by-law that, if the assent of the electors is obtained to it, it will be taken into consideration by the council after the expiration of one month from the date of the first publication, which date shall also be stated, and in the case of a money by-law, or a question as to securing a supply of electrical power or energy from The Hydro-Electric Power Commission of Ontario, stating that a tenant who desires to vote must deliver to the clerk not later than the tenth day before the day appointed for taking the vote the declaration provided for by subsection 3 of section 283.

Rev. Stat.,
c. 266, s. 330,
re-enacted.

8. Section 330 of *The Municipal Act* is repealed and the following substituted therefor:

Disposition
of "The
Ontario
Municipal-
ities Fund"
moneys.

330. Where a corporation has surplus money derived from "The Ontario Municipalities Fund" or from any other source, which is set apart for educational purposes and invested, as well as any other money held by the corporation for or appropriated by it to such purposes, in the form of securities or loans or applied as authorized by this Act, the council may, with the approval of the Municipal Board, dispose of such investments and apply the proceeds thereof directly or by means of a scheme of amortization in aid of schools in the municipality.

Rev. Stat.,
c. 266, s. 404,
para. 16,
re-enacted.

9.—(1) Paragraph 16 of section 404 of *The Municipal Act* is repealed and the following substituted therefor:

Inter-
municipal
fire pro-
tection.

16. For entering into an agreement with any other municipal corporation for the use of the fire brigade of the corporation or of such other municipal cor-

poration upon such terms and conditions and for such remuneration as may be agreed upon.

- (a) Notwithstanding any agreement heretofore or hereafter entered into, failure to supply the use of the fire brigade outside the municipality shall not create any liability upon the municipal corporation so failing.

(2) Clause *b* of paragraph 41*a* of the said section 404 as enacted by subsection 2 of section 23 of *The Municipal Amendment Act, 1939*, is amended by adding at the end thereof the words "nor shall any by-law passed under this paragraph and approved by the Department be repealed without the approval of the Department", so that the said clause shall now read as follows:

Rev. Stat.,
c. 266, s. 404,
par. 41*a*,
cl. *b*,
(1939, c. 30,
s. 23,
subs. 2),
amended.

- (b) No by-law passed under this paragraph shall become operative until approved by the Department, nor shall any by-law passed under this paragraph and approved by the Department be repealed without the approval of the Department.

Approval by
Department.

10.—(1) Section 404*a* of *The Municipal Act* as enacted by section 6 of *The Municipal Amendment Act, 1939* (No. 2), and as amended by *The Municipal Amendment Act, 1940*, is further amended by striking out the words "The Organization of Resources Committee or of such sub-committee thereof as may be designated by the Committee and" in the second, third and fourth lines, so that the said section, exclusive of clauses *a* and *b*, shall now read as follows:

Rev. Stat.,
c. 266,
s. 404*a*,
(1939,
2nd Sess.,
c. 6, s. 6,
s. 12),
amended.

404*a*. Subject to the approval of the Department and to subsection 3 of section 275, by-laws may be passed,—

Grants for
patriotic
purposes.

.

(2) Subclause iii of clause *a* of section 404*a* of *The Municipal Act* as enacted by section 6 of *The Municipal Amendment Act, 1939* (No. 2), is amended by striking out the word "and" in the second line.

Rev. Stat.,
c. 266,
s. 404*a*,
cl. *a*,
subcl. iii
(1939,
2nd Sess.,
c. 6, s. 6),
amended.

(3) Clause *a* of the said section 404*a* is further amended by adding thereto the following subclauses:

Rev. Stat.,
c. 266,
s. 404*a*,
cl. *a*
(1939,
2nd Sess.,
c. 6, s. 6),
amended.

- (iv) for aiding the establishment or maintenance of local war savings committees;

War savings
committees.

- (v) for aiding the establishment or maintenance of local civilian defence committees; and

Civilian
defence
committees.

Rev. Stat.,
c. 266, s. 405,
para. 1,
cl. b, re-
enacted.

11.—(1) Clause *b* of paragraph 1 of section 405 of *The Municipal Act* is repealed and the following substituted therefor:

- (b) A by-law shall not be passed except with the affirmative vote of three-quarters of all the members of the council, the approval of the Municipal Board and the assent of two-thirds of the electors qualified to vote on money by-laws who vote on the by-law; provided that the by-law shall not be submitted to such electors until such approval has been given.

Rev. Stat.,
c. 266, s. 405,
para. 33,
amended.

(2) Paragraph 33 of the said section 405 is amended by inserting after the word "prescribing" in the first line the words "for the whole or any part of the municipality", so that the said paragraph shall now read as follows:

Prescribing
times for
setting fires
and pre-
cautions.

33. For prescribing for the whole or any part of the municipality the times during which fires may be set in the open air, and the precautions to be observed by persons setting out fires.

Rev. Stat.,
c. 266, s. 406,
re-enacted.

12.—(1) Section 406 of *The Municipal Act* is repealed and the following substituted therefor:

406.—(1) By laws may be passed by the councils of local municipalities:

Restricted Areas.

Restricting
use of land.

1. For prohibiting the use of land, for or except for such purposes as may be set out in the by-law, within any defined area or areas or abutting on any defined highway or part of a highway.

Restricting
erection for
use of
buildings.

2. For prohibiting the erection or use of buildings, for or except for such purposes as may be set out in the by-law, within any defined area or areas or upon land abutting on any defined highway or part of a highway.

Regulating
construction
of buildings.

3. For regulating the cost or type of construction and the height, bulk, location, spacing, character and use of all buildings to be erected or altered within any defined area or areas or upon land abutting on any defined highway or part of a highway, and the minimum frontage of the parcel of land and the proportion of the area thereof which any such building may occupy, and any such by-law may regulate all or any of such matters.

4. For acquiring vacant land having a frontage ^{Acquiring land.} less than the minimum frontage prescribed for such area, for the purpose of including such land in such area, and for disposing of such land.
- (2) No by-law passed under this section shall apply ^{Excepted lands and buildings.} to any land or building which, on the day of the passing of the by-law, is used or erected for any purpose prohibited by the by-law, so long as it continues to be used for that purpose, nor shall the by-law apply to any building the plans for which have prior to the day of the passing of the by-law been approved by the municipal architect or building inspector, so long as the building when erected is used for the purpose for which it was erected.
- (3) No part of any by-law passed under this section shall ^{Approval by Municipal Board.} come into force without the approval of the Municipal Board.
- (4) No part of any by-law passed under this section ^{Repeal or amendment.} and approved by the Municipal Board shall be repealed or amended without the approval of the Municipal Board.
- (5) The council shall, in such manner and to such persons ^{Notice of application.} as the Municipal Board may direct, give notice of the intention of the council to apply to the Municipal Board for approval of any by-law passed under this section.
- (6) Where, after an adjournment of the hearing of an ^{Amendment of by-law pending approval.} application for approval of any by-law passed under this section and prior to the final hearing of the application, the by-law is amended, the Municipal Board may direct that notice of the application for approval of the amended by-law be given in such manner and to such persons as the Municipal Board may direct or may dispense with such notice, and may approve the amended by-law.
- (7) The Municipal Board may approve any such by-law ^{Extent of approval.} in whole or in part and as to the whole or any part of any land, area or highway therein defined, and the Municipal Board may have regard to the restrictions on any land adjacent to such land, area or highway.
- (8) Such approval shall not become effective until the ^{When approval effective} issue by the Municipal Board of its formal order thereof.

Present
by-laws.

(2) Any by-law heretofore passed for any of the purposes of paragraph 9 of section 414, paragraphs 2 to 10 of section 420, section 421, paragraphs 1 and 2 of section 423 or paragraph 6 of section 423 of *The Municipal Act* and in force on the day upon which this Act comes into force may with the approval of the Municipal Board be repealed or amended in accordance with section 406 of *The Municipal Act* as re-enacted by this Act.

Idem.

(3) Every by-law passed for any of the purposes of any provision repealed by this Act shall be deemed to be consistent with the provisions of section 406 of *The Municipal Act* as re-enacted by this Act and shall remain in full force and effect until amended or repealed.

Rev. Stat.,
c. 266, s. 414,
para. 9,
repealed.

13. Paragraph 9 of section 414 of *The Municipal Act* is repealed.

Rev. Stat.,
c. 266, s. 420,
paras. 2-10,
repealed.

14.—(1) Paragraphs 2 to 10 of section 420 of *The Municipal Act* are repealed.

Rev. Stat.,
c. 266, s. 420,
par. 11,
amended.

(2) Paragraph 11 of the said section 420 is amended by inserting after the word "city" in the fourth line the words "limiting the weight or size of loads that may be carried thereon," so that the said paragraph, exclusive of clause *a*, shall now read as follows:

Licensing
users of
wheeled
vehicles.

Rev. Stat.,
c. 288.

11. Requiring all residents in the municipality owning and using any wheeled vehicle other than a motor vehicle as defined in *The Highway Traffic Act* to obtain a license therefor before using the same upon any highway of the city; limiting the weight or size of loads that may be carried thereon; regulating the issuing of such licenses and the collection of fees therefor; fixing an annual fee not exceeding \$1 for such licenses, which shall be approved of by the Municipal Board; fixing a scale of fees for different vehicles; imposing penalties not exceeding \$5 exclusive of costs upon all persons who contravene any such by-law; and providing that such penalties may be recoverable in the manner provided by this Act.

Rev. Stat.,
c. 266, s. 420,
para. 14,
cl. *a*, re-
enacted.

(3) Clause *a* of paragraph 14 of the said section 420 is repealed and the following substituted therefor:

- (a) For the purpose of this paragraph, a public garage shall include a parking station or a parking lot or a building or place where motor vehicles are hired or kept or used for hire or where such vehicles or gasoline or oils are stored or kept for sale, and a building or place used as a motor vehicle repair shop.

15. Section 421 of *The Municipal Act* is repealed.

Rev. Stat.,
c. 266, s. 421,
repealed.

16.—(1) Paragraphs 1 and 2 of section 423 of *The Municipal Act* are repealed.

Rev. Stat.,
c. 266, s. 423,
paras. 1
and 2 re-
pealed.

(2) Paragraph 4 of the said section 423 is amended by striking out the word "township" in the last line and inserting in lieu thereof the word "municipality", so that the said paragraph shall now read as follows:

Rev. Stat.,
c. 266, s. 423,
para. 4,
amended.

4. For licensing, regulating and governing teamsters, carters, draymen, drivers and owners of cabs, busses, motor and other vehicles for hire and for establishing the rates or fares to be charged by the owners or drivers of such vehicles for the conveyance of goods or passengers within the municipality.

Licensing,
regulating,
etc.,
teamsters,
carters,
draymen,
etc.

(3) Paragraph 6 of the said section 423 is repealed.

Rev. Stat.,
c. 266, s. 423,
para. 6,
repealed.

17. Clause *d* of paragraph 1 of section 433 of *The Municipal Act* is amended by striking out the word "and" where it appears the second time in the last line and by inserting after the figure "6" in the last line the word and figure "and 7", so that the said clause shall now read as follows:

Rev. Stat.,
c. 266, s. 433,
para. 1, cl. *d*,
amended.

- (*d*) Nothing in this paragraph shall affect the powers to pass by-laws, under sections 408 and 409, paragraph 1 of section 438, and paragraphs 5, 6 and 7 of section 439.

Certain
powers
not affected.

18. Clause *a* of paragraph 4 of section 440 of *The Municipal Act* is amended by striking out the symbol and figure "\$1" in the first line and inserting in lieu thereof the symbol and figures "\$25", so that the said clause shall now read as follows:

Rev. Stat.,
c. 266, s. 440,
par. 4, cl. *a*,
amended.

- (*a*) The fee to be paid for a license shall not exceed \$25 per year.

19.—(1) Subsection 1 of section 545 of *The Municipal Act* is amended by striking out the words "a constable" in the first line and inserting in lieu thereof the words "one or more constables", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 266, s. 545,
subs. 1,
amended.

- (1) The trustees may appoint one or more constables for the village who shall have the same powers and perform the same duties within the village as a constable appointed by the council of a village.

Appoint-
ment of
constables.

(2) Subsection 2 of the said section 545 is amended by striking out the article "The" in the first line and inserting in lieu thereof the word "Every", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 266, s. 545,
subs. 2,
amended.

Salary.

- (2) Every constable may be paid by salary or may keep for his own use the fees of his office as the trustees may determine.

Rev. Stat.,
c. 266, s. 545,
subs. 3,
amended.

- (3) Subsection 3 of the said section 545 is amended by striking out the article "the" where it occurs the first time in the first line and inserting in lieu thereof the article "a", so that the said subsection shall now read as follows:

When fees
of constable
to belong
to village.

- (3) Where a constable is paid by salary the trustees may require that the fees of his office be paid to the treasurer of the township in which the village is situate or where the village comprises parts of two or more townships to the treasurer of any or either of them for the use of the village.

Rev. Stat.,
c. 266, s. 545,
amended.

- (4) The said section 545 is further amended by adding thereto the following subsection:

Equipment.

- (4) The trustees may provide and pay for offices, arms, accoutrements, clothing and other things for the accommodation, use and maintenance of the constable or constables.

Commence-
ment of Act.

- 20.** This Act shall come into force on the day upon which it receives the Royal Assent.

The Municipal Amendment Act, 1941.

1st Reading

April 3rd, 1941

2nd Reading

April 7th, 1941

3rd Reading

April 9th, 1941

MR. McQUESTEN

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

The Assessment Amendment Act, 1941.

MR. MCQUESTEN

BILL

The Assessment Amendment Act, 1941.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 272, s. 23,
subs. 6,
amended.

1. Subsection 6 of section 23 of *The Assessment Act* as amended by section 3 of *The Assessment Amendment Act, 1940*, is repealed and the following substituted therefor:

Mechanical
preparation
of assess-
ment roll.

(6) The form may be varied to facilitate the use of mechanical methods of preparing the roll, and, without limiting the generality of the foregoing,—

(a) the year of the birth of every person entered on the roll may be entered in place of his age;

(b) in the case of a British subject the letters "B.S." may be omitted and such omission shall signify that the person is entered on the roll as a British subject;

(c) the letters "M.F." may be entered in place of the letters "M.F.N.C.";

(d) in the case of a public school supporter the letter "P" may be omitted and such omission shall signify that the person is entered on the roll as a public school supporter;

(e) in the case of an owner the letter "O" may be omitted and such omission shall signify that the person is entered on the roll as an owner.

Rev. Stat.,
c. 272,
amended.

2. *The Assessment Act* is amended by adding thereto the following section:

Occupancy
tax after
cesser of
exemption.

57a. By-laws may be passed by the councils of municipalities for requiring every person who, after the rate for the current year on real property has been

EXPLANATORY NOTES

SECTION 1. These variations in the form of the assessment roll are necessary where mechanical methods are used in its preparation.

SECTION 2. Where Crown or municipal property is sold or leased to a person who is not entitled to tax exemption under *The Assessment Act*, there is now no means by which such person may be required to pay his fair share of the current year's taxes if the tax rate has been levied at the time he goes into occupancy.

This new section is designed to cover this situation by requiring such person to pay an "occupancy tax", the amount of which depends upon the length of the portion of the year during which he occupies the premises in relation to the amount he would have paid had he occupied the premises for the whole year.

levied, commences to occupy premises theretofore exempt from taxation under paragraph 1 or 8 of section 4, to pay an occupancy tax upon the commencement of such occupancy.

Amount.

- (a) The amount of the occupancy tax shall be computed by reference to the amount of the taxes, including those on business assessment, which such person would have been required to pay for the current year in respect of such premises if he had been previously assessed and made liable therefor, and shall be the part of the amount of such taxes that is proportionate to the part of the current year then remaining.

Collection.

- (b) The amount of the occupancy tax may be entered on the collector's roll and collected in the same manner as taxes.

Where tenant may deduct tax from rent.

- (c) A tenant may deduct from his rent any occupancy tax paid by him which as between him and his landlord the latter ought to pay.

Rev. Stat.,
c. 272, s. 76,
subs. 4,
amended.

3. Subsection 4 of section 76 of *The Assessment Act* is amended by inserting after the word "to" in the first line the words "all the appellants and", so that the said subsection shall now read as follows:

Clerk to
notify
parties.

- (4) The clerk shall thereupon give notice to all the appellants and all the persons appealed against in the same manner as is provided for giving notice on a complaint under section 73; but in the event of failure by the clerk to have the required service of the notices in any appeal made, or to have the same made in proper time, the judge may direct service to be made for some subsequent day upon which he may sit.

Rev. Stat.,
c. 272, s. 104,
subs. 3,
amended.

4. Subsection 3 of section 104 of *The Assessment Act* as amended by section 6 of *The Assessment Amendment Act, 1940*, is repealed and the following substituted therefor:

Collector's
roll,—
mechanical
methods.

- (3) The form of the collector's roll may be varied to facilitate the use of,—

(a) mechanical methods in the preparation of the roll;

(b) mechanical methods of accounting and book-keeping and where the latter methods are

SECTION 3. At present the municipal clerk is required to notify the persons appealed against of the county judge's hearing of an assessment appeal from the court of revision.

The amendment provides that the appellants shall receive such notice as well as the persons appealed against.

SECTION 4. This section will enable mechanical methods to be used in the preparation of the collector's roll and contains other provisions necessary in order that mechanical methods may be employed, such as variations in the form of the roll.

used the treasurer may exercise the powers and perform the duties of the collector and the clerk in respect of the roll.

Rev. Stat.,
c. 272, s. 113,
amended.

5. Section 113 of *The Assessment Act*, as amended by section 7 of *The Assessment Amendment Act, 1939*, is further amended by adding thereto the following subsection:

Payment of
instalments
in areas.

(10) The council of any municipality may by by-law divide the municipality into separate areas for the purposes of this Act, and in any by-law providing for the payment of taxes by instalments may for every such area name a different day within a fixed period of time for the payment of any instalment.

(a) Where the by-law providing for the payment of taxes by instalments names for every such area a different day for the payment of any instalment, the by-law shall name a day upon which the additional percentage charge, if any, for non-payment of such instalment shall be imposed for the whole municipality.

Rev. Stat.,
c. 272, s. 125,
amended.

6. Section 125 of *The Assessment Act* is amended by adding thereto the following subsection:

Refund of
part of
occupancy
tax.

(7) Where a person who has paid occupancy tax for part of a year vacates the premises prior to the 31st day of December in such year, the court of revision may upon his application in accordance with subsection 2 order the corporation to refund a proportionate part of the amount of such tax and the corporation shall refund the same accordingly.

Rev. Stat.,
c. 272, s. 133,
amended.

7. Section 133 of *The Assessment Act* as amended by section 11 of *The Assessment Amendment Act, 1939*, is further amended by striking out all the words after the word "after" in the fifth line and inserting in lieu thereof the words "a warrant has issued for the sale of the land for taxes", so that the said section shall now read as follows:

Receiving
payments
on account
of arrears.

133. The county treasurer and the treasurer of any municipality whose officers have power to sell lands for arrears of taxes may from time to time receive part payment of taxes returned to him as in arrears upon any land for any year and shall credit such payment first on account of the interest and percentage charges, if any, added to such taxes; but no such payment shall be received after a warrant has issued for the sale of the land for taxes.

SECTION 5. This new provision will, because of the staggered system of days for payment of tax instalments, enable the larger municipalities to effect a saving as less clerical assistance will be required.

SECTION 6. Complementary to section 2 of this Bill. It provides for a rebate where the lessee vacates before the end of the year.

Section 7. At present part payments of tax arrears cannot be received after the land has been advertised for sale for arrears of taxes. Under this amendment no such part payments can be received after the warrant for the sale of the land for taxes has issued.

The Assessment Amendment Act, 1941

1st Reading

April 4th, 1941

2nd Reading

3rd Reading

MR. MCQUESTEN

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

The Assessment Amendment Act, 1941.

MR. MCQUESTEN

BILL

The Assessment Amendment Act, 1941.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 272, s. 23,
subs. 6,
amended.

1. Subsection 6 of section 23 of *The Assessment Act* as amended by section 3 of *The Assessment Amendment Act, 1940*, is repealed and the following substituted therefor:

Mechanical
preparation
of assess-
ment roll.

(6) The form may be varied to facilitate the use of mechanical methods of preparing the roll, and, without limiting the generality of the foregoing,—

(a) the year of the birth of every person entered on the roll may be entered in place of his age;

(b) in the case of a British subject the letters "B.S." may be omitted and such omission shall signify that the person is entered on the roll as a British subject;

(c) the letters "M.F." may be entered in place of the letters "M.F.N.C.";

(d) in the case of a public school supporter the letter "P" may be omitted and such omission shall signify that the person is entered on the roll as a public school supporter;

(e) in the case of an owner the letter "O" may be omitted and such omission shall signify that the person is entered on the roll as an owner.

Rev. Stat.,
c. 272,
amended.

2. *The Assessment Act* is amended by adding thereto the following section:

Occupancy
tax after
cesser of
exemption.

57a. By-laws may be passed by the councils of municipalities for requiring every person who, after the rate for the current year on real property has been

levied, commences to occupy premises, which after such rate has been levied cease to be exempt from taxation or a building which was erected after the return of the assessment roll, to pay an occupancy tax upon the commencement of such occupancy.

- (a) The amount of the occupancy tax shall be ^{Amount.} computed by reference to the amount of the taxes, including those on business assessment, which such person would have been required to pay for the current year in respect of such premises or building if he had been previously assessed and made liable therefor, and shall be the part of the amount of such taxes that is proportionate to the part of the current year then remaining.
- (b) The amount of the occupancy tax may be ^{Collection.} entered on the collector's roll and collected in the same manner as taxes.
- (c) A tenant may deduct from his rent any occu- ^{Where} pancy tax paid by him which as between him ^{tenant may} and his landlord the latter ought to pay. ^{deduct tax} ^{from rent.}
- (d) A person who is required to pay an occupancy ^{Appeal.} tax shall have in respect thereto the right of appeal provided in this Act in the case of assessments.

3. Subsection 4 of section 76 of *The Assessment Act* is ^{Rev. Stat.,} amended by inserting after the word "to" in the first line the ^{c. 272, s. 76,} words "all the appellants and", so that the said subsection ^{subs. 4,} shall now read as follows: ^{amended.}

- (4) The clerk shall thereupon give notice to all the ^{Clerk to} appellants and all the persons appealed against in ^{notify} the same manner as is provided for giving notice on ^{parties.} a complaint under section 73; but in the event of failure by the clerk to have the required service of the notices in any appeal made, or to have the same made in proper time, the judge may direct service to be made for some subsequent day upon which he may sit.

4. Subsection 3 of section 104 of *The Assessment Act* as ^{Rev. Stat.,} amended by section 6 of *The Assessment Amendment Act*, ^{c. 272, s. 104,} 1940, is repealed and the following substituted therefor: ^{subs. 3,} ^{amended.}

- (3) The form of the collector's roll may be varied to ^{Collector's} facilitate the use of,— ^{roll,—} ^{mechanical} ^{methods.}
 - (a) mechanical methods in the preparation of the roll;

- (b) mechanical methods of accounting and book-keeping and where the latter methods are used the treasurer may exercise the powers and perform the duties of the collector and the clerk in respect of the roll.

Rev. Stat.,
c. 272, s. 113,
amended.

5. Section 113 of *The Assessment Act*, as amended by section 7 of *The Assessment Amendment Act, 1939*, is further amended by adding thereto the following subsection:

Payment of
instalments
in areas.

- (10) The council of any municipality may by by-law divide the municipality into separate areas for the purposes of this Act, and in any by-law providing for the payment of taxes by instalments may for every such area name a different day within a fixed period of time for the payment of any instalment.

- (a) Where the by-law providing for the payment of taxes by instalments names for every such area a different day for the payment of any instalment, the by-law shall name a day upon which the additional percentage charge, if any, for non-payment of such instalment shall be imposed for the whole municipality.

Rev. Stat.,
c. 272, s. 125,
amended.

6. Section 125 of *The Assessment Act* is amended by adding thereto the following subsection:

Refund of
part of
occupancy
tax.

- (7) Where a person who has paid occupancy tax for part of a year vacates the premises prior to the 31st day of December in such year, the court of revision may upon his application in accordance with subsection 2 order the corporation to refund a proportionate part of the amount of such tax and the corporation shall refund the same accordingly.

Rev. Stat.,
c. 272, s. 133,
amended.

7. Section 133 of *The Assessment Act* as amended by section 11 of *The Assessment Amendment Act, 1939*, is further amended by striking out all the words after the word "after" in the fifth line and inserting in lieu thereof the words "a warrant has issued for the sale of the land for taxes", so that the said section shall now read as follows:

Receiving
payments
on account
of arrears.

133. The county treasurer and the treasurer of any municipality whose officers have power to sell lands for arrears of taxes may from time to time receive part payment of taxes returned to him as in arrears upon any land for any year and shall credit such payment first on account of the interest and percentage charges, if any, added to such taxes; but no such payment shall be received after a warrant has issued for the sale of the land for taxes.

BILL

The Assessment Amendment Act, 1941

1st Reading

April 4th, 1941

2nd Reading

April 7th, 1941

3rd Reading

April 9th, 1941

Mr. McQUESTEN

No. 94

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Fatal Accidents Act.

MR. ELGIE

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Fatal Accidents Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 210, s. 3,
amended.

1. Section 3 of *The Fatal Accidents Act* is amended by adding thereto the following subsection:

Funeral
expenses.

(1a) In an action brought under this Act where funeral expenses have been incurred by the parties for whose benefit the action is brought, damages may be awarded not exceeding \$125 for necessary expenses of the burial of the deceased and not exceeding \$125 for necessary expenses for transportation and things supplied and services rendered in connection therewith necessitated by the transfer of the body of the deceased from the place of death to the place of interment in Ontario.

Short title.

2. This Act may be cited as *The Fatal Accidents Amendment Act, 1941*.

EXPLANATORY NOTE

The amendment provides that in an action brought under *The Fatal Accidents Act* damages may be awarded in respect of the funeral expenses of the deceased provided such expenses have been incurred by the parties for whose benefit the action is brought.

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BILL

An Act to amend The Fatal Accidents Act.

1st Reading

April 7th, 1941

2nd Reading

3rd Reading

MR. ELGIE

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act to amend The Insurance Act.

MR. STRACHAN

BILL

An Act to amend The Insurance Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 256, 39,
amended.

1. Section 39 of *The Insurance Act* is amended by adding thereto the following subsection:

Where
Sections
40-70 not
to apply.

(2a) The provisions of sections 40 to 70 shall not apply to an insurer in respect of its business of marine insurance.

Rev. Stat.,
c. 256,
amended.

2. *The Insurance Act* is amended by adding thereto the following section:

Inquiries

81a. In any case where a person undertakes on behalf of an insurer any inquiry as to the character, credit, health or otherwise of an agent or employee or a proposed agent or employee of the insurer, or of an insured, or of an applicant for insurance with the insurer, or of any person in connection with a claim made under a contract, the person undertaking such inquiry shall be under the same legal duty to communicate the result thereof as though he were an employee of the insurer.

Rev. Stat.,
c. 256, s. 102,
subs. (1a)
(1940,
c. 11, s. 2),
repealed.

3. Subsection 1a of section 102 of *The Insurance Act* as enacted by section 2 of *The Insurance Amendment Act, 1940*, is repealed.

Rev. Stat.,
c. 256, s. 188,
amended.

4. Section 188 of *The Insurance Act* is amended by adding to the statutory conditions set forth in the said section, the following condition:

Loss or Damage caused by War. 3a. Unless otherwise expressly stated in the policy or endorsed thereon, the insurer shall not be liable for loss or damage which, in whole or in part, is caused by war (whether declared or not), invasion, hostilities or warlike operations, civil war, rebellion, insurrection, revolution or usurped power.

Rev. Stat.,
c. 256, s. 222,
amended.

5. Section 222 of *The Insurance Act* is amended by adding at the end thereof the words "but shall not apply to weather insurance provided by an endorsement to a contract of fire insurance" so that the said section shall now read as follows:

EXPLANATORY NOTES

The amendments in this Bill have been considered and recommended for enactment in all provinces by the inter-provincial conference.

SECTION 1. The subsection makes clear that marine insurance business is not subject to the deposit provisions of *The Insurance Act*.

SECTION 2. The section makes it clear that a reporting agency employed by an insurance company to make inquiries respecting applicants for insurance, etc., is in the same position as one of the insurance company's own employees.

SECTION 3. The section applies the provisions of the fire Part of *The Insurance Act* to any additional hazards which may be covered by a contract supplemental to a fire policy. Certain provisions of such supplemental contracts conflict with provisions in the fire Part of the Act and the section is therefore repealed.

SECTION 4. There are no provisions in the present standard automobile policy dealing with losses caused by war. The new condition excludes coverage of such losses except where special provision has been made in the policy or in an endorsement thereto.

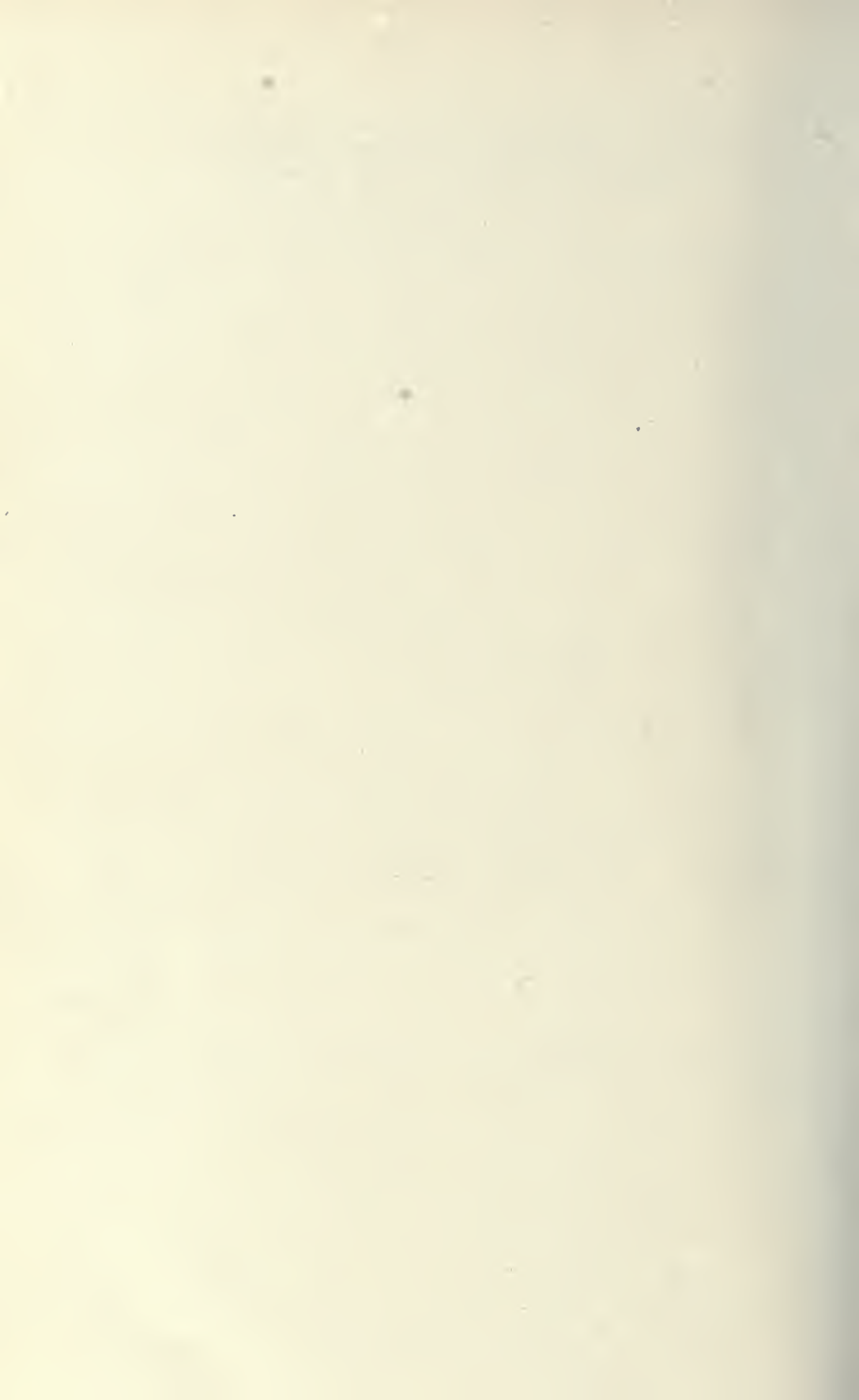
SECTION 5. It has become a recent practice of insurance companies to provide a form of weather insurance coverage by endorsement to a contract of fire insurance. A conflict arises in such cases between the conditions applicable to fire insurance and those applicable to weather insurance. The amendment removes this conflict.

Application
of Part.

222. This Part shall apply to weather insurance and to any insurer carrying on the business of weather insurance in the Province, but shall not apply to weather insurance provided by an endorsement to a contract of fire insurance.

Short title.

6. This Act may be cited as *The Insurance Amendment Act, 1941*.



BILL

An Act to amend The Insurance Act.

1st Reading

April 7th, 1941

2nd Reading

3rd Reading

MR. STRACHAN

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act respecting a certain Bond Mortgage made by the Abitibi Power
& Paper Company Limited to the Montreal Trust Company.

Mr. CONANT

BILL

An Act respecting a certain Bond Mortgage made by
the Abitibi Power & Paper Company Limited
to the Montreal Trust Company.

Preamble.

WHEREAS the Abitibi Power & Paper Company Limited, incorporated under the Dominion Companies Act, owned and operated newsprint mills in the Provinces of Ontario, Quebec and Manitoba;

And whereas by mortgage dated June 1st, 1928, the Abitibi Power & Paper Company Limited mortgaged all its assets and undertakings to secure an issue of First Mortgage Bonds to the Montreal Trust Company, the trustees under the Bond mortgage;

And whereas it appears that the said Company defaulted in the payment of interest due on the said First Mortgage Bonds on June 1st, 1932, and nothing has been paid since that date, and action was taken in the courts in 1932 by the Montreal Trust Company, the trustees under the bond mortgage, to enforce its security; that since that time various proceedings have been taken in the courts and on June the 10th, 1940, an order was made directing the sale of all the undertakings, property and assets of the said Abitibi Power & Paper Company Limited; that in pursuance of this order the undertakings, property and assets of the said Company were offered for sale by the Master of the Supreme Court of Ontario by public auction but the sale proved abortive because the only bid received was less than the amount of the reserve bid fixed by the Master, that subsequently an application was made for an order that the said property, assets and effects of the said Company should be immediately sold without a reserve bid being fixed, but the motion was adjourned *sine die* with leave to bring it on on one week's notice;

And whereas during the court proceedings above referred to the Government of Ontario in the year 1937 entered into an agreement with the Montreal Trust Company, the trustees under the bond mortgage, the Receiver and the Abitibi Power & Paper Company Limited, acting by its Liquidator,

which provided that the Government would renew certain pulpwood cutting agreements if the said Company became reorganized or rearranged or if its assets were sold to a new Company on a basis sanctioned by the Supreme Court and in any case on a basis satisfactory to the Government within one year from the date of the said agreement, or within such further time as the Government might consent; and whereas by Order of the Honourable the Lieutenant-Governor in Council dated March 9th, 1939, it was provided that if and when a reorganization or a rearrangement of the said Company was duly completed, or if and when a sale of the entire undertaking and assets of the said Company was duly approved or directed by the Supreme Court of Ontario and the sale duly completed that such reorganization, rearrangement or sale should be deemed a basis satisfactory to the Government; and whereas the said order-in-council of March 9th, 1939, was rescinded by order-in-council dated October 24th, 1940;

And whereas a Royal Commission was appointed by Order of the Honourable the Lieutenant-Governor in Council dated the 1st of November, 1930, comprising the Honourable Charles Patrick McTague, Justice of Appeal of the Supreme Court of Ontario, Albert Edward Dymont, Esquire, and Sir James Dunn, Baronet, "to enquire into the affairs and financial and corporate structure of the Abitibi Power & Paper Company Limited with a view to recommending an equitable plan for solving the financial difficulties of the Company so that the Company may be in a position to meet conditions, regulations and restrictions which the Lieutenant-Governor in Council may consider necessary upon the grant or renewal of the hereinbefore recited leases, licenses, water power rights, flooding rights, licenses of occupation and other rights, powers or privileges; and generally to make such recommendations in the premises as appear to be in the best interests of all parties concerned, including the Province of Ontario;" and whereas the said Royal Commission has reported to the Honourable the Lieutenant-Governor in Council *inter alia* that existing legislation relevant to the reorganization of companies is inadequate to meet the situations that arise when companies are in financial difficulties; that the said Company is dependent for its supply of pulpwood upon the Crown lands of the Province of Ontario; that it also requires large quantities of power in respect of which it is dependent upon leases from the Province of Ontario; that the assistance of the Government must be a largely contributing factor in the success of the enterprise and that the Government would be justified in trying to secure the carrying out of the purposes which led to the making of the various agreements and to protect the legitimate interests of persons who have contributed to or are bound up with the conduct of the enterprise; that whatever the potential value of the undertaking and

assets of the said Company may be, no price could be obtained for the undertakings and assets, under present conditions, which would begin to approach the amount of the outstanding bonds with interest thereon; that if the present rate of earnings maintains for some time to come, the shareholders may well have a substantial equity in the property;

And whereas it is deemed desirable to stay any action now pending or that may hereafter be taken under the provisions of the above mentioned Bond Mortgage for the sale of all the property and assets of the said Company situate in Ontario in order that an opportunity may be given to all parties concerned to consider the Plan submitted in the Report of the said Royal Commission.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Motion
stayed.

1. In so far as any property, real or personal, in Ontario is concerned no further proceedings shall be taken or continued under a certain Order made in the Supreme Court of Ontario by the Honourable Mr. Justice Middleton on June 10th, 1940, directing the sale of all the undertaking, property and assets of Abitibi Power & Paper Company Limited under a certain Mortgage made by Abitibi Power & Paper Company Limited of the First Part to Montreal Trust Company as Trustee for the bond holders under the said Mortgage of the Second Part and the National City Bank of New York the authenticating Trustee of the Third Part dated the 1st day of June, 1928, and filed in the Department of the Provincial Secretary on the 14th day of August, 1928, and indexed in the Bills of Sale and Chattel Mortgage Register as Number M125.

No further
action
without
consent of
Attorney-
General.

2. Excepting the operation of section 1 hereof without the consent in writing of the Attorney-General no new action shall be brought for the purpose of realizing on the security situate in the Province of Ontario under the said Mortgage and no further step shall be taken or order made in the action now pending in the Supreme Court of Ontario under the said Mortgage.

Validating
Order-in-
Council.

3. The Order-in-Council dated the 24th day of October, 1940, rescinding the Order-in-Council dated the 9th day of March, 1939, with respect to an agreement dated the 24th day of June, 1937, made between the Government of the First Part and the Hydro-Electric Power Commission of Ontario of the Second Part, the Montreal Trust Company, Trustees under the bond mortgage, and the Receiver of the Abitibi Power & Paper Company Limited, and the said Abitibi Power & Paper Company Limited acting by its

EXPLANATORY NOTES

GENERAL. The purpose of this Bill is to stay proceedings under the pending mortgage action so as to give all the parties an opportunity of considering the Plan submitted in the Report of the Royal Commission enquiring into the affairs of Abitibi Power & Paper Company Limited.

SECTION 1. This section stays all proceedings on the Order of the Court directing a sale of all the property and assets of the Company.

SECTION 2 provides that without the consent in writing of the Attorney-General no new action may be brought under the bond mortgage and no further step may be taken in the action now pending without the consent of the Attorney-General. This section has to do with Orders that may be asked for by the Receiver appointed by the court in connection with the management of company assets as well as with any other order in the mortgage action, except an order or proceeding under section 1.

SECTION 3 validates an order-in-council rescinding a previous order-in-council dated the 9th of March, 1939, about which there is some difference of opinion between the Government and the Receiver.

Liquidator of the Third Part, is hereby declared to be valid and binding and effectually to rescind the said Order-in-Council dated the 9th day of March, 1939, notwithstanding any alleged lack of notice in writing or lack of sufficient notice in writing to the parties of the Third Part.

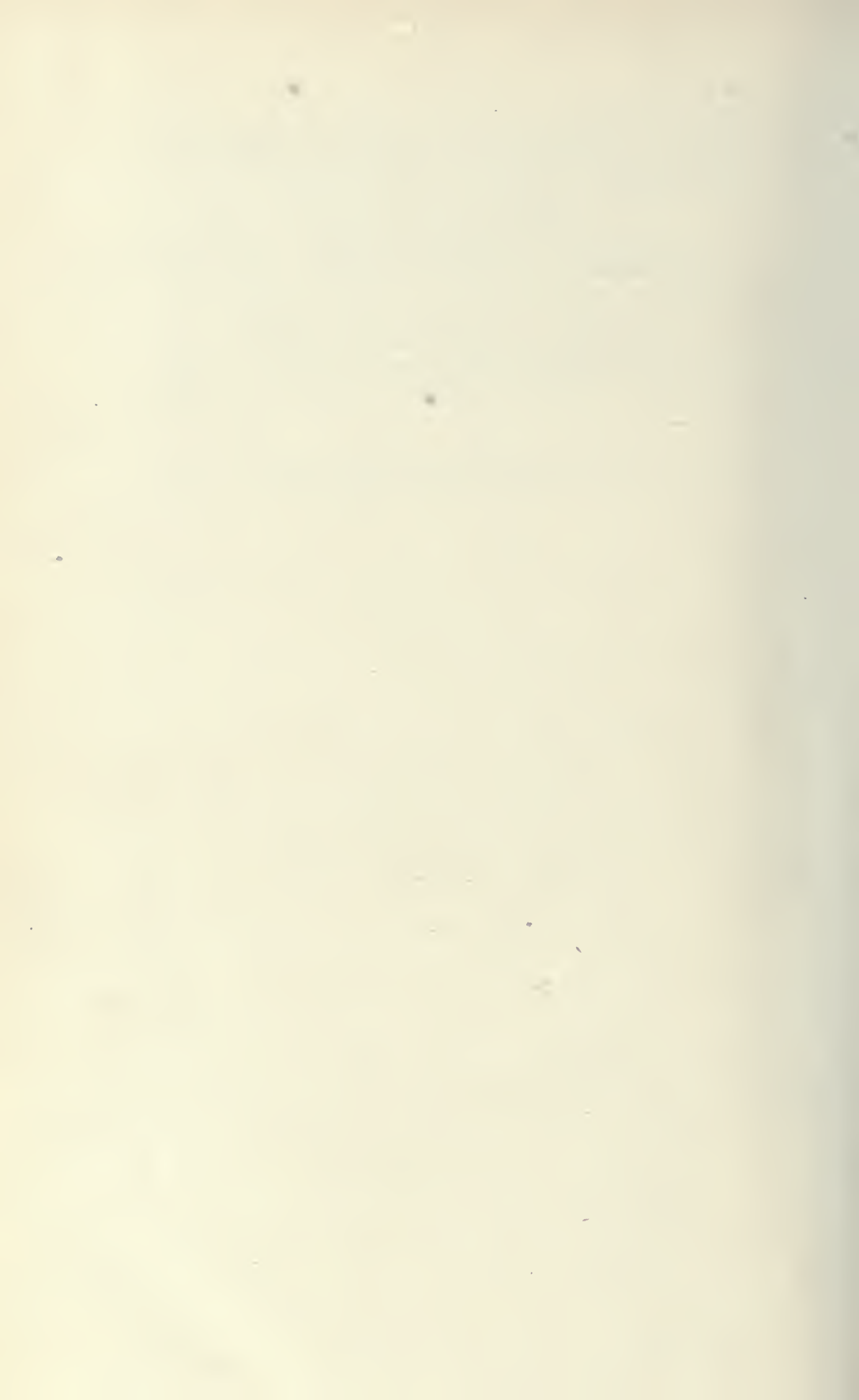
Duration
Of Act.

4. This Act shall come into force on a day to be named by the Lieutenant-Governor by his proclamation and when so proclaimed the Lieutenant-Governor in Council may at any time terminate the operation of this Act, but subject to the operation of any Order-in-Council terminating its operation, this Act shall remain in force until the 31st day of December, A.D. 1942.

Short title.

5. This Act may be cited as *The Abitibi Power & Paper Company Limited Moratorium Act, 1941*.

SECTION 4. This Act comes into force on proclamation and remains in force until the 31st of December, 1942, unless sooner terminated by order-in-council.



BILL

An Act respecting a certain Bond Mortgage
made by the Abitibi Power & Paper
Company Limited to the Mon-
treal Trust Company.

1st Reading

April 7th, 1941

2nd Reading

3rd Reading

MR. CONANT

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act respecting a certain Bond Mortgage made by the Abitibi Power
& Paper Company Limited to the Montreal Trust Company.

MR. CONANT

BILL

An Act respecting a certain Bond Mortgage made by
the Abitibi Power & Paper Company Limited
to the Montreal Trust Company.

Preamble.

WHEREAS the Abitibi Power & Paper Company Limited, incorporated under the Dominion Companies Act, owned and operated newsprint mills in the Provinces of Ontario, Quebec and Manitoba;

And whereas by mortgage dated June 1st, 1928, the Abitibi Power & Paper Company Limited mortgaged all its assets and undertakings to secure an issue of First Mortgage Bonds to the Montreal Trust Company, the trustees under the Bond mortgage;

And whereas it appears that the said Company defaulted in the payment of interest due on the said First Mortgage Bonds on June 1st, 1932, and nothing has been paid since that date, and action was taken in the courts in 1932 by the Montreal Trust Company, the trustees under the bond mortgage, to enforce its security; that since that time various proceedings have been taken in the courts and on June the 10th, 1940, an order was made directing the sale of all the undertakings, property and assets of the said Abitibi Power & Paper Company Limited; that in pursuance of this order the undertakings, property and assets of the said Company were offered for sale by the Master of the Supreme Court of Ontario by public auction but the sale proved abortive because the only bid received was less than the amount of the reserve bid fixed by the Master, that subsequently an application was made for an order that the said property, assets and effects of the said Company should be immediately sold without a reserve bid being fixed, but the motion was adjourned *sine die* with leave to bring it on on one week's notice;

And whereas during the court proceedings above referred to the Government of Ontario in the year 1937 entered into an agreement with the Montreal Trust Company, the trustees under the bond mortgage, the Receiver and the Abitibi Power & Paper Company Limited acting by its Liquidator,

which provided that the Government would renew certain pulpwood cutting agreements if the said Company became reorganized or rearranged or if its assets were sold to a new Company on a basis sanctioned by the Supreme Court and in any case on a basis satisfactory to the Government within one year from the date of the said agreement, or within such further time as the Government might consent; and whereas by Order of the Honourable the Lieutenant-Governor in Council dated March 9th, 1939, it was provided that if and when a reorganization or a rearrangement of the said Company was duly completed, or if and when a sale of the entire undertaking and assets of the said Company was duly approved or directed by the Supreme Court of Ontario and the sale duly completed that such reorganization, rearrangement or sale should be deemed a basis satisfactory to the Government; and whereas the said order-in-council of March 9th, 1939, was rescinded by order-in-council dated October 24th, 1940;

And whereas a Royal Commission was appointed by Order of the Honourable the Lieutenant-Governor in Council dated the 1st of November, 1936, comprising the Honourable Charles Patrick McTague, Justice of Appeal of the Supreme Court of Ontario, Albert Edward Dymont, Esquire, and Sir James Dunn, Baronet, "to enquire into the affairs and financial and corporate structure of the Abitibi Power & Paper Company Limited with a view to recommending an equitable plan for solving the financial difficulties of the Company so that the Company may be in a position to meet conditions, regulations and restrictions which the Lieutenant-Governor in Council may consider necessary upon the grant or renewal of the hereinbefore recited leases, licenses, water power rights, flooding rights, licenses of occupation and other rights, powers or privileges; and generally to make such recommendations in the premises as appear to be in the best interests of all parties concerned, including the Province of Ontario;" and whereas the said Royal Commission has reported to the Honourable the Lieutenant-Governor in Council *inter alia* that existing legislation relevant to the reorganization of companies is inadequate to meet the situations that arise when companies are in financial difficulties; that the said Company is dependent for its supply of pulpwood upon the Crown lands of the Province of Ontario; that it also requires large quantities of power in respect of which it is dependent upon leases from the Province of Ontario; that the assistance of the Government must be a largely contributing factor in the success of the enterprise and that the Government would be justified in trying to secure the carrying out of the purposes which led to the making of the various agreements and to protect the legitimate interests of persons who have contributed to or are bound up with the conduct of the enterprise; that whatever the potential value of the undertaking and

assets of the said Company may be, no price could be obtained for the undertakings and assets, under present conditions, which would begin to approach the amount of the outstanding bonds with interest thereon; that if the present rate of earnings maintains for some time to come, the shareholders may well have a substantial equity in the property;

And whereas it is deemed desirable to stay any action now pending or that may hereafter be taken under the provisions of the above mentioned Bond Mortgage for the sale of all the property and assets of the said Company situate in Ontario in order that an opportunity may be given to all parties concerned to consider the Plan submitted in the Report of the said Royal Commission.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Motion
stayed.

1. In so far as any property, real or personal, in Ontario is concerned no further proceedings shall be taken or continued under a certain Order made in the Supreme Court of Ontario by the Honourable Mr. Justice Middleton on June 10th, 1940, directing the sale of all the undertaking, property and assets of Abitibi Power & Paper Company Limited under a certain Mortgage made by Abitibi Power & Paper Company Limited of the First Part to Montreal Trust Company as Trustee for the bond holders under the said Mortgage of the Second Part and the National City Bank of New York the authenticating Trustee of the Third Part dated the 1st day of June, 1928, and filed in the Department of the Provincial Secretary on the 14th day of August, 1928, and indexed in the Bills of Sale and Chattel Mortgage Register as Number M125.

No further
action
without
consent of
Attorney-
General.

2. Excepting the operation of section 1 hereof without the consent in writing of the Attorney-General no new action shall be brought for the purpose of realizing on the security situate in the Province of Ontario under the said Mortgage and no further step shall be taken or order made in the action now pending in the Supreme Court of Ontario under the said Mortgage.

Validating
Order-in-
Council.

3. The Order-in-Council dated the 24th day of October, 1940, rescinding the Order-in-Council dated the 9th day of March, 1939, with respect to an agreement dated the 24th day of June, 1937, made between the Government of the First Part and the Hydro-Electric Power Commission of Ontario of the Second Part, the Montréal Trust Company, Trustees under the bond mortgage, and the Receiver of the Abitibi Power & Paper Company Limited, and the said Abitibi Power & Paper Company Limited acting by its

Liquidator of the Third Part, is hereby declared to be valid and binding and effectually to rescind the said Order-in-Council dated the 9th day of March, 1939, notwithstanding any alleged lack of notice in writing or lack of sufficient notice in writing to the parties of the Third Part.

4. This Act shall come into force on a day to be named by the Lieutenant-Governor by his proclamation and when so proclaimed the Lieutenant-Governor in Council may at any time terminate the operation of this Act, but subject to the operation of any Order-in-Council terminating its operation, this Act shall remain in force until the 31st day of December, A.D. 1942. <sup>Duration
Of Act.</sup>

5. This Act may be cited as *The Abitibi Power & Paper Company Limited Moratorium Act, 1941.* ^{Short title.}



BILL

An Act respecting a certain Bond Mortgage
made by the Abitibi Power & Paper
Company Limited to the Mon-
treal Trust Company.

1st Reading

April 7th, 1941

2nd Reading

April 8th, 1941

3rd Reading

April 9th, 1941

MR. CONANT

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act for Raising Money on the Credit of the Consolidated Revenue
Fund.

MR. HEPBURN (Elgin)

BILL

An Act for Raising Money on the Credit of the Consolidated Revenue Fund.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Loan of
\$20,000,000
authorized.

1. The Lieutenant-Governor in Council is hereby authorized to raise from time to time by way of loan such sum or sums of money as may be deemed expedient for any or all of the following purposes, that is to say: For the public service, for works carried on by commissioners on behalf of Ontario, for the covering of any debt of Ontario on open account, for paying any floating indebtedness of Ontario, and for the carrying on of the public works authorized by the Legislature; Provided that the principal amount of any securities issued and the amount of any temporary loans raised under the authority of this Act, including any securities issued for the retirement of the said securities or temporary loans, at any time outstanding, shall not exceed in the whole Twenty Million Dollars (\$20,000,000).

Terms to be
fixed by
Lieutenant-
Governor.

2. The aforesaid sum of money may be borrowed for any term or terms not exceeding forty years, at such rate as may be fixed by the Lieutenant-Governor in Council and shall be raised upon the credit of the Consolidated Revenue Fund of Ontario, and shall be chargeable thereupon.

Sinking
fund.

3. The Lieutenant-Governor in Council may provide for a special sinking fund with respect to the issue herein authorized, and such sinking fund may be at a greater rate than the one-half of one per centum per annum specified in subsection 3 of section 3 of *The Provincial Loans Act*.

Rev. Stat.,
c. 22.

Commence-
ment of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

5. This Act may be cited as *The Ontario Loan Act, 1941*.

BILL

An Act for Raising Money on the Credit of
the Consolidated Revenue Fund.

1st Reading

April 8th, 1941

2nd Reading

3rd Reading

MR. HEPBURN (Elgin)

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

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c. 22.

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Short title.

5. This Act may be cited as *The Ontario Loan Act, 1941*.

BILL

An Act for Raising Money on the Credit of
the Consolidated Revenue Fund.

1st Reading

April 8th, 1941

2nd Reading

April 9th, 1941

3rd Reading

April 9th, 1941

MR. HEPBURN (Elgin)

6TH SESSION, 20TH LEGISLATURE, ONTARIO
5 GEORGE VI, 1941

BILL

An Act for granting to His Majesty certain sums of money for the
Public Service of the financial year ending the 31st day of
March, 1942.

MR. HEPBURN (Elgin).

BILL

An Act for granting to His Majesty certain sums of money for the Public Service of the financial year ending the 31st day of March, 1942.

MOST GRACIOUS SOVEREIGN:

Preamble.

WHEREAS it appears by message from The Honourable Albert Matthews, Lieutenant-Governor of the Province of Ontario, and the estimates accompanying the same, that the sums hereinafter mentioned in the schedule to this Act are required to defray certain expenses of the public service of this Province, not otherwise provided for, for the financial year ending the 31st day of March, 1942, and for other purposes connected with the public service; May it therefore please Your Majesty that it may be enacted, and it is hereby enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

\$58,340,
472.50
granted for
fiscal year
1941-42.

1. From and out of the Consolidated Revenue Fund of this Province, there may be paid and applied a sum not exceeding in the whole Fifty-eight million, three hundred and forty thousand, four hundred and seventy-two dollars and fifty cents towards defraying the several charges and expenses of the public service of this Province, not otherwise provided for, from the 1st day of April, 1941, to the 31st day of March, 1942, as set forth in schedule "A" to this Act.

Accounts
to be laid
before
Assembly.

2. Accounts in detail of all moneys received on account of this Province during the financial year 1941-42 and of all expenditures under schedule "A" of this Act shall be laid before the Legislative Assembly at the first sitting after the completion of the said financial year.

Appro-
priations for
1941-42
unexpended
to lapse.

3. Any part of the money under schedule "A" appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the 31st day of March, 1942, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to the said day; and all balances remaining unexpended after the said date or at such sub-

sequent date as may be fixed by the Lieutenant-Governor in <sup>Rev. Stat.,
c. 24.</sup> Council under the provisions of *The Audit Act* shall lapse and be written off.

4. The due application of all moneys expended under this <sup>Accounting
for</sup> Act out of the Consolidated Revenue shall be accounted for ^{expenditure.} to His Majesty.

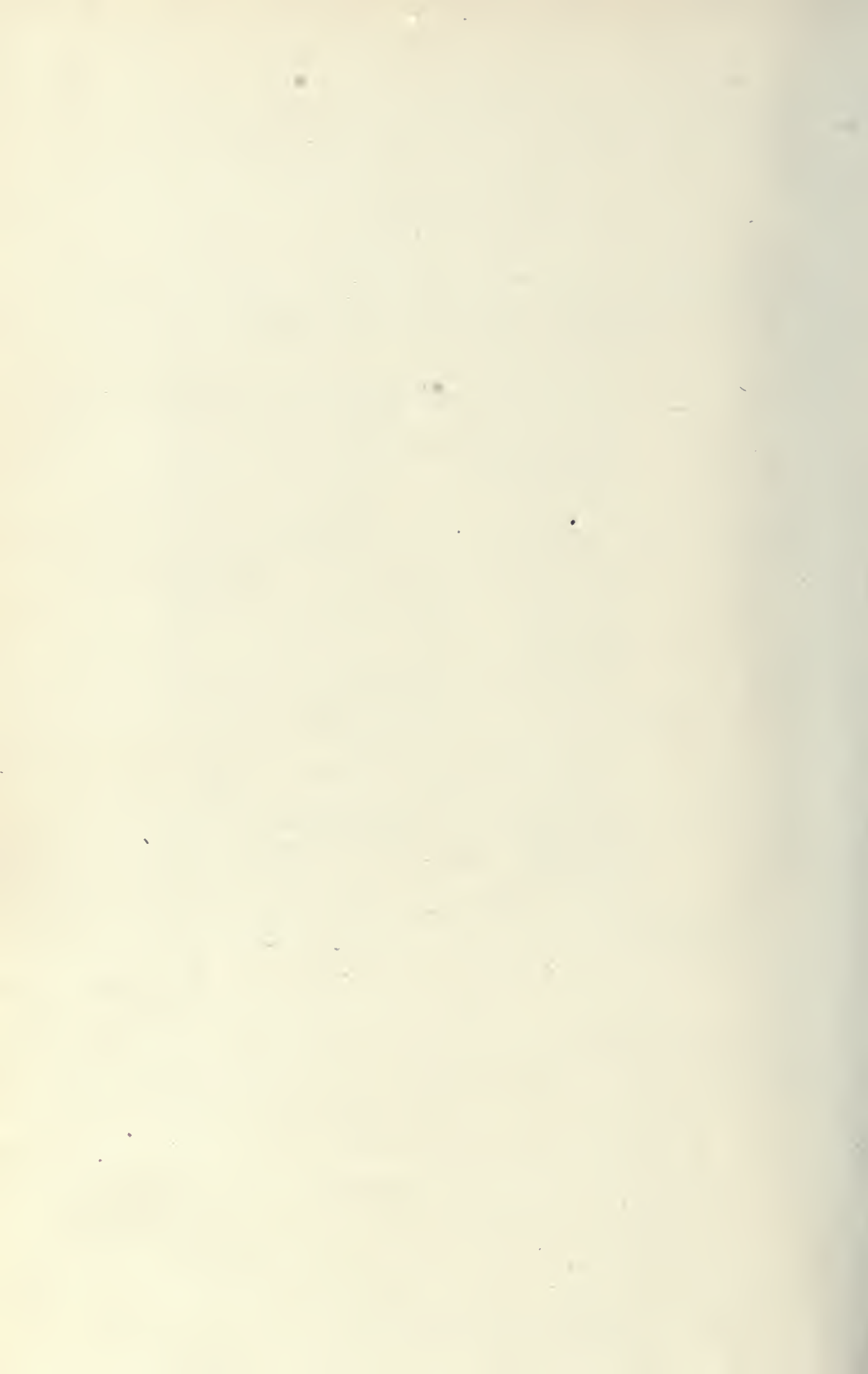
5. This Act shall come into force on the day upon which <sup>Commence-
ment of Act.</sup> it receives the Royal Assent.

SCHEDULE "A"

Sums granted to His Majesty by this Act for the financial year ending on the thirty-first day of March, one thousand nine hundred and forty-two, to defray expenses of:

Agriculture Department.....	\$2,401,117.50
Attorney-General's Department..	2,929,595.00
Education Department.....	12,197,630.00
Game and Fisheries Department..	639,000.00
Health Department.....	10,704,685.00
Highways Department.....	1,159,800.00
Insurance Department.....	62,425.00
Labour Department.....	842,000.00
Lands and Forests Department..	2,645,175.00
Legislation.....	272,450.00
Lieutenant-Governor's Office....	10,000.00
Mines Department.....	359,275.00
Municipal Affairs Department..	94,590.00
Prime Minister's Department...	390,570.00
Provincial Auditor's Office.....	112,200.00
Provincial Secretary's Department.....	2,048,550.00
Provincial Treasurer's Department.....	1,493,685.00
Public Welfare Department.....	18,924,325.00
Public Works Department.....	949,000.00
Miscellaneous.....	104,400.00

Total estimates for expenditure of 1941-1942.....\$58,340,472.50



BILL

An Act for granting to His Majesty certain
sums of money for the Public
Service of the financial year
ending the 31st day of
March, 1942.

1st Reading

April 9th, 1941

2nd Reading

April 9th, 1941

3rd Reading

April 9th, 1941

Mr. HEPBURN (Elgin)



